

# GENERAL ASSEMBLY

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**Chairman: Mr. Mihai MAGHERU (Romania).**

## AGENDA ITEM 67

### Question of race conflict in South Africa resulting from the policies of apartheid of the Government of the Union of South Africa (A/3872) (continued)

1. Mr. SYLVAIN (Haiti) said that for a country with a deep attachment to the United Nations, it was a matter of concern to see a fellow Member systematically refusing to comply with the recommendations of the General Assembly and even intensifying a discriminatory policy which undermined the prestige and authority of the United Nations. The Union of South Africa itself had an interest in upholding the United Nations and it was to be hoped that that consideration would induce the Union Government to abandon practices which not only alienated world sympathies from it but were bound to produce tragic consequences.
2. He recalled how, in their struggle for independence, the Haitians had determined to win respect for their rights and human dignity by violence, but once they had gained their freedom they had realized that their former oppressors were not to be blamed on account of their race but for the institutions they represented, and they had become good friends. If the pressure of public opinion failed to alter South African policy, the lessons of history might perhaps serve a useful purpose.
3. South Africa was not the only country where the problem of coexistence of different races existed. Brazil and now the United States of America had discovered that there were other solutions besides apartheid. It was strange that the Union Government should have chosen the worst possible solution, one which ran counter both to common sense and to morality and gave rise to hatred and violence. In that connexion he quoted statements by the Anglican minister in charge of the Zeerust Community, published in the July-September 1958 issue of the South African review Africa South.
4. The absence of the Union delegation from the present discussion was to be deplored; meanwhile the Haitian delegation would persist in appealing to the Union of South Africa to provide the co-operation and fulfil the responsibilities required of it under the Universal Declaration of Human Rights, not only because the principles of the Charter were the cornerstone of the Organization but because Haiti had a fellow-feeling for all oppressed peoples. It would therefore join with the majority of Members in their efforts to uphold the fundamental rights of the non-white peoples of South Africa and to persuade the Union Government to review its policy.
5. Mr. KENNEDY (Ireland) said that, in spite of the absence of the South African delegation from the Committee, it was encouraging to know that it proposed to return to full participation in the work of the United Nations. The Secretary-General had said in the introduction to a recent annual report that, if properly used, the United Nations could serve a diplomacy of reconciliation better than other instruments available to Member States (A/3594/Add.1). All Members must surely wish to assist in bringing that about.
6. In Ireland it was felt that racial discrimination struck at the very foundations of the dignity and rights of the human person. By virtue of a natural law, all human beings possessed fundamental rights which were not only inalienable but equal for all. Racial discrimination was thus not only a violation of the Charter but fundamentally immoral. His delegation had therefore joined in the request to place the question on the Committee's agenda. The painful experiences of the Irish people in the past had imbued Ireland with an abiding respect for the liberty and dignity of human individuals, and a hatred of political oppression. It did not cherish the illusion, however, that racial equality could be established immediately. The non-European population in the Union could not be expected to share the same political, social and economic institutions as the European until it had achieved greater equality in the cultural field. Nor would it be reasonable to condemn indiscriminately all the differential legislation enacted by the Union, since certain less-advanced sections of the population naturally required special protection and services. A gradual approach was therefore to be advocated and it was to be hoped that the Union Government would move in the same direction as the rest of the free world. That should not be an unreasonable aspiration at a time when other peoples of Asia and Africa were emerging to nationhood.
7. While not sharing the view that the racial policies of the Union of South Africa fell within its domestic jurisdiction, the Irish delegation respected the Union delegation's right to advance it. But the policy of racial discrimination had a definitely international aspect. It increased international tension, complicated international relations and engendered bitterness in other countries. The danger to the world community should therefore not be underestimated.
8. Mr. TALAAT (United Arab Republic) said that the position of his delegation was based on the consistent attitude of the United Arab Republic in rejecting racial discrimination. In that spirit it had again joined in sponsoring the inclusion of the item on the committee's agenda. Despite the overwhelming majority behind the resolutions appealing to the Union of South Africa to

revise its policy, the Union had not yet agreed to put the General Assembly's recommendations into effect; it still proclaimed that the principle of racial equality was contrary to the spirit of its internal structure and pursued a relentless policy of discrimination. The Union Government could not continue to ignore world opinion, which had condemned its practices at both the Bandung and the Accra Conferences as well as in other quarters. He quoted an instance of injustice reported in The New York Times: a white woman who had killed an African servant for "insolence" escaped with a fine of £50. It was the duty of the General Assembly to endeavour to change a situation which was a disgrace to the civilized world. His delegation hoped that the Union Government would revise its policy and co-operate with the United Nations. It would support any resolution designed to bring about a peaceful and just solution to the problem.

9. Mr. ALDUNATE (Chile) said that the situation in South Africa, where a white minority held a non-white majority in virtual subjugation, was almost incomprehensible to Latin America, with its long tradition of racial amity. Although the Latin-American countries had no very close ties with South Africa, their representatives could recall the applause received by Field Marshal Smuts when he signed the Charter at San Francisco on behalf of the Union of South Africa. That same country was now being denounced not merely for failing to live up to the undertakings given at the time, but for intensifying its measures of discrimination against the non-white population. In many other countries, strong efforts were being made to eliminate racial discrimination. The Union of South Africa, instead of following that example, was instituting a system of slavery in an age when freedom had just dawned in India, parts of Asia and other countries on the African continent. The complaint was sometimes made that seekers after freedom were apt to gather under a red flag. The Assembly should enable those who sought to restore justice in the Union of South Africa to group themselves under the flag of the United Nations.

10. Mr. PETROS (Ethiopia), referring to the Union of South Africa's juridical stand, stressed that legality could not be accepted as a pretext for injustice, since justice must be the basis of any concept of law. As an African State, Ethiopia was deeply concerned over the discriminatory policies pursued by the Union Government and was unable to look with indifference upon the unjust treatment of brother Africans. Ethiopia condemned not only the incidents which had taken place but above all the theory of white supremacy upon which the policy of discrimination was founded. It had been historically and scientifically proved that all races were equal in their capacity for development and their entitlement to human rights. The practice of racial discrimination was evil and inhuman and constituted a major threat to the peace of Africa. With the exception of a relatively small minority of European extraction, all the inhabitants of Africa fell into the category of non-white peoples. Clearly, persistence in the policy of racial discrimination would sooner or later bring bloodshed to Africa and threaten international peace.

11. Ethiopia could not understand how any delegation could refuse to support a cause of such fundamental importance. Inhumanity could not be condoned, and delegations which abstained from expressing their abhorrence of racial discrimination thereby condoned

and even encouraged persistence in such policies. He hoped, therefore, that all delegations would join in condemning the policy of apartheid and in appealing to the Government of the Union of South Africa to revise its racial policies before it was too late.

12. Baron DE GAIFFIER D'HESTROY (Belgium), after recalling his country's well-known position on the question under discussion, said that he wished to dispel any confusion which might have arisen from the comparisons made between the lot of the non-white population of the Union and that of peoples under a colonial régime, in a deliberate effort to associate colonialism with the absence of human rights. There were still countries where large majorities were deprived of their human rights, even though the outworn cliché of colonialism was not used in connexion with them. The United Nations should take its stand against any system which advocated or practised discrimination and the denial of human rights to any part of the population. Any such discrimination was entirely contrary to Belgian traditions, and to the laws and Constitution of Belgium.

13. The Belgian delegation greatly regretted the attitude of the Union of South Africa and was watching developments there with some anxiety. However, it could not agree that the United Nations was competent to pronounce on the domestic legislation of Member States. The attitude of Belgium in the debate could not be regarded as implying even tacit approval of South African legislation, but was dictated by its respect for a cardinal principle laid down in the Charter of the United Nations, which clearly stated that the Organization was not entitled to intervene in the exercise of a Member State's legislative powers, which were an expression of its national sovereignty. The past and present position of Belgium in regard to the problem was inspired by its determination to avoid contributing to the establishment of such a dangerous precedent.

14. Mr. SZYMANOWSKI (Poland) said that any changes in the situation in regard to racial discrimination in the Union of South Africa since the last session of the General Assembly were for the worse. The freedoms of the non-white population had shrunk still further, and the conclusion of the first report of the United Nations Commission on the Racial Situation in the Union of South Africa (A/2505 and Add.1), that four fifths of the population were reduced to a humiliating level of inferiority, was still valid.

15. Previous speakers had reaffirmed the competence of the United Nations to deal with the matter. The Polish delegation would go further and say that the question was not whether the United Nations had the right to discuss the problem but whether it could possibly keep silent about it. Member States owed it to the people of South Africa, to their own peoples and to the principles of the Organization, to renew their efforts to bring about an improvement. Despite the strength of the United Nations case, the General Assembly's appeals to the Union Government had grown more conciliatory from year to year. The last resolution of the General Assembly (resolution 1178 (XII)) had virtually limited itself to drawing the Union's attention to the purposes and principles of the Charter, but still it had met with no response. Discrimination had been intensified in the field of education and the already narrow political rights of the non-white majority had been reduced still further. The thirteenth

session of the General Assembly was faced with a striking paradox. While it was preparing to celebrate the tenth anniversary of the Universal Declaration of Human Rights, it was presented with the case of the stubborn and systematic violation of those rights by the Government of a Member State. Even more paradoxical was the fact that one political committee was being called upon to consider problems of nuclear energy and of outer space, which were truly problems of the future, while the other political committee was dealing with a conflict resulting from a doctrine belonging to the stone age rather than to the atomic era. The so-called scientific theory behind racial discrimination had been completely discredited, *inter alia*, by the study carried out by the United Nations Educational, Scientific and Cultural Organization (UNESCO) in 1950. It had been shown in another UNESCO publication that the roots of racialism were not biological but economic and social.

16. Racialism was a venomous and contagious disease. Its gains in one country affected all humanity. Conversely, any achievement in the struggle against prejudice and discrimination set an example for all mankind. Therein lay the international significance of the South African situation. Poland was particularly sensitive to the dangers of racial prejudice, for it had learned the lesson of the ultimate consequences of the doctrine of racial superiority in a hard school. There could be no doubt as to the ultimate fate of *apartheid*. Like any other reactionary tendency which went against the major trends of history, it was bound to lose. That did not absolve the United Nations from the obligation to work against it now. The Polish delegation was ready to support any effective effort which could lead to the elimination of the sources of racial conflict in South Africa.

17. Mr. DE BARROS (Brazil) said that his country maintained the best of relations with the Union of South Africa; however, as in the past, his delegation could not remain silent with regard to the race conflict resulting from a discriminatory policy which flouted the ideals of the United Nations and the fundamental rights laid down in the Charter and thereby endangered the existence of the Organization itself.

18. His country was one which could serve as an example of the meaning of complete racial integration in national life. Brazilians of African origin, who made up a very large part of the total population, played an essential part in the economic life of the country and many had risen to high positions in the economic, cultural and political fields.

19. The national culture of Brazil was the antithesis of the idea of racial segregation. Brazilian public opinion could not understand the reasons for a policy of discrimination or reconcile it with the humanitarian ideals and the objectives of the United Nations.

20. He was quite aware that his country had been exceptionally fortunate in solving racial problems. Difficulties inherited from the past could not be overcome in a short period of time by mere legislation and had to be viewed by others with sympathy and understanding. Brazil would rejoice at the first sign of a new racial policy in the Union of South Africa. The Brazilian delegation was prepared to support any resolution which showed world public opinion that the disappointments of the past had not changed or weakened the convictions of the Members of the United Nations.

21. Mr. PLAZA (Venezuela) recalled that a literal interpretation of Article 2 (7) of the Charter had served more than once as a cover for clear violations of human rights. The world today was the scene of a continuing struggle between two spheres of law: on the one hand, municipal law, based on the traditional and absolute concept of sovereignty born in an epoch of narrow nationalism, sought to place domestic standards above international standards, and thus impeded the growth of the world-wide trend towards the protection of the rights of the individual and recognition of his status as an entity in international law; on the other hand, international law, following that same trend created by an age of increasing human intercourse, sought to encroach upon the domestic sphere in order to make the lofty objectives expressed in the Charter a reality everywhere.

22. The champions of unrestricted domestic jurisdiction alleged that the principle of non-intervention was a specific and unequivocal contractual norm whereas human rights were not. That argument would be valid if intervention were better defined in the Charter than respect for human rights. Although the Charter contained a general prohibition of intervention in the domestic affairs of Member States, such intervention was nowhere defined. On the other hand, respect for human rights was repeatedly proclaimed in specific terms: namely, in Articles 1 (3), 13, 55 and 62. While it was true that human rights, like intervention, were not defined in an instrument of a contractual nature, the Articles cited clearly showed the underlying spirit of the Charter in the matter of the promotion and protection of human rights, and it was absurd to interpret Article 2 (7) in one way and the Articles referring to human rights in another.

23. Perhaps the time had come to define the concept of intervention so that Article 2 (7) could play its very necessary and specific part in protecting national autonomy and integrity in the best sense—not taken as synonymous with the right to violate other provisions of the Charter.

24. His delegation considered the principle of non-intervention as the indispensable basis of international harmony and had always defended it. As a country which had largely succeeded in eradicating from its feelings and behaviour every vestige of discrimination, Venezuela felt entitled to say that it did not see how the term "intervention" could be applied to a judgement of the General Assembly arrived at after examination of the public documents of a country in the light of the principles of the Charter and expressing the view that some of those documents violated those principles.

25. His delegation saw no need and no obligation on the part of the General Assembly to seek an opinion of the International Court of Justice to establish that some of the laws of the Union of South Africa were in contradiction with the principle of racial non-discrimination proclaimed by the Charter. The present discussion was in order, and the time had come to consider seriously the possibility and desirability of establishing legal criteria to deal with all the implications of the problem resulting from the apparent contradiction between the Articles of the Charter dealing with non-intervention and those concerning respect for human rights. A decision to undertake such a study would be the most effective and most eloquent tribute the United Nations could pay to the Universal Declaration on the tenth anniversary of its adoption.

26. In view of the existing state of international law and of the existing situation in the Union of South Africa, his delegation did not think that the General Assembly should go beyond the limits of persuasion and a frank statement of its disapproval of the discriminatory policy of the Union of South Africa. The Secretary-General might be asked to make a special effort to publicize the text of any resolution adopted. The people of Venezuela did not wish to see any action taken which might be considered as an infringement of the principle of non-intervention; such action, far from improving the situation, would only make it worse. He knew from the experience of his own country that when a Government wilfully ignored public opinion and tried to impose its will against the wishes of the majority it would sooner or later have to recognize and pay for the error of its ways.

27. U TUN SHEIN (Burma) wished to make it clear that his country was motivated only by a desire to promote social order based on the principles of justice, liberty and equality.

28. While deeply regretting the South African delegation's decision to ignore all discussions and resolutions dealing with the items under discussion, the Burmese delegation fervently hoped that the "new approach" based on conciliation and friendliness which had helped to bring the Union back into active participation in the work of the United Nations would cause a change of heart in the South African Government.

29. His delegation was unable to subscribe to the view that racial discrimination as practised in South Africa fell squarely within the meaning of Article 2 (7). Any

act or omission violating the principles of human rights and fundamental freedoms enshrined in the Charter must necessarily be the concern of the United Nations, and the General Assembly had rightly established the principle of the competence of the United Nations to deal with the matter.

30. The delegation of Burma had been deeply moved by the information presented by several representatives concerning the latest measures taken against the coloured people of the Union of South Africa in all fields of life. While the Union of South Africa was by no means the only country plagued with racial problems, other countries did their best to lessen or eliminate the effects of those problems by appropriate legislative and other measures, whereas the South African Government blatantly and unashamedly intensified the application of discriminatory policies.

31. The United Nations should not stand by and idly look on at the suffering, humiliation and degradation of the non-white population of the Union of South Africa. While it did not have the power to impose its decisions on an unco-operative member, it could keep the present question in public view by maintaining it on the agenda of every future session and, meanwhile, appealing to the Government and people of the Union of South Africa to revise their present policies in their own interests and the interests of humanity. His delegation was prepared to support or co-sponsor any draft resolution reflecting those views in a conciliatory and friendly spirit.

The meeting rose at 5.10 p.m.