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Chairman: Mr. Charles T. O. KING (Liberia).

AGENDA ITEM 61

Question of race conflict in South Africa resulting from the policies of "apartheid" of the Government of the Union of South Africa (A/4147 and Add.1, A/SPC/L.37) (continued)

1. Mr. YOSANO (Japan) said that his delegation endorsed the majority opinion that all States Members of the United Nations were committed to act with a view to ensuring universal and effective respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion. It deeply regretted that the representative of the Union of South Africa was not participating in the discussion.

2. Japan was eager to see lasting peace among the African peoples and growing prosperity in Africa. Both would be promoted by peaceful and friendly co-operation among all racial groups, as the Minister for External Affairs of the Union of South Africa had himself acknowledged in his statement in the Assembly's general debate (811th plenary meeting). Unfortunately, the policy of racial segregation followed by the Union Government did not seem calculated to create the conditions necessary to ensure peaceful and friendly relations among nations, as prescribed by the Charter. Race conflicts, which almost invariably stemmed from particular historical and social circumstances, existed in other countries of the world, and the solution of those problems required much patience and tact. It should be emphasized, however, that the Union of South Africa was the only country in which the policy of segregation was pursued by the Government itself. Although some doubts had been expressed with regard to the competence of the United Nations in the matter, no delegation had approved the policy of "apartheid". Moreover, that policy had been opposed in the Union of South Africa even by people belonging to the white race.

3. The General Assembly should, therefore, once more express itself in favour of reconsideration of the Union Government's present policy in accordance with that country's obligations under the Charter. The Japanese delegation appreciated the efforts of the sponsors of the draft resolution before the Committee (A/SPC/L.37) and would support that proposal.

4. Mr. UDOVICHENKO (Ukrainian Soviet Socialist Republic) said that his delegation proceeded from the premise that a system of discrimination based on race, sex, language or religion constituted a bar to free

human development. Discrimination was the enemy of progress and jeopardized relations among peoples and States. The United Nations should do everything within its power to facilitate the evolution of the Asian and African countries. That was a complex process, however, and the prejudices of the past, which impeded progress, could not be eliminated overnight.

5. It should be stressed that all the resolutions adopted by the General Assembly on the question of race conflict in South Africa had been marked by a spirit of moderation and good will. The United Nations had in no way attempted to intervene in the Union's domestic affairs. Concerned by the situation and aware of its moral responsibility, the United Nations had acted in accordance with the provisions of Article 13 of the Charter, which authorized the Assembly to initiate studies and make recommendations for the purpose of assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion. Such action was entirely justified, for the Union Government's policy of "apartheid" was a flagrant violation of human rights and fundamental freedoms, and the nations had a duty to ensure that those rights and freedoms were observed. Moreover, that policy threatened the good-neighbourly relationships between the Union of South Africa and the other African States and carried the seed of conflicts dangerous to international peace. The removal of all sources of conflict between nations and peoples was in the interests of all States, including the Union of South Africa. An auspicious relaxation in international relations was at present perceptible, but the racial policy of the Union of South Africa was, unfortunately, not designed to encourage that trend. The Union's Minister for External Affairs had stated at the 811th plenary meeting of the General Assembly that his country sincerely wished to co-operate with the other African countries. It was to be hoped that those words would become deeds.

6. The Ukrainian delegation wholeheartedly approved the resolution on racial discrimination adopted by the Conference of Independent African States at Monrovia in August 1959. True to the principle of the equality of all men without distinction, the Ukrainian delegation would support any measures which the United Nations might take to protect the non-white population of the Union of South Africa, as was required by the real interests of all African peoples.

7. Mr. Krishna MENON (India) said that the authors of the explanatory memorandum in document A/4147, to which India was a signatory, had not sought to condemn any party but only to secure the adoption of appropriate recommendations for ensuring the observance of human rights and fundamental freedoms by all Members of the United Nations. Moreover, in the resolution it had adopted on the subject at the thirteenth session (resolution 1248 (XIII)), the Assembly had not made a direct appeal to the Union; it had clearly indicated that it was a question of the appli-

cation of a principle which all Member States were pledged to respect. Racial discrimination would be just as much a crime if it were practised by a non-white against a white race; that had been the principle underlying the recommendation on human rights contained in the final communiqué of the Bandung Conference.

8. Reviewing the history of the matter, he said it was gratifying that the majority in favour of the draft resolutions relating to race conflict in South Africa had increased from year to year, and he hoped that the draft resolution before the Committee would be adopted without opposition. He regretted the absence of the representative of the Union of South Africa, particularly as no one had ever challenged the Union's right to express its opinion, however unacceptable that might be. The Union of South Africa had taken a very prominent part in the formulation of the Charter and it had always shown the greatest loyalty to the League of Nations and the United Nations, except on the very important issue of racial discrimination which it regarded as an exclusively internal matter, as the Union Minister of External Affairs had once more reaffirmed in the Assembly (811th plenary meeting). He disputed the validity of that argument, and quoted Oppenheim's *International Law*, which stated that Article 2, paragraph 7, of the Charter did not exclude action undertaken with the view to implementing the purposes of the Charter, and that thus, with regard to the protection of human rights and freedoms, the prohibition of intervention did not preclude study, discussion, investigation and recommendation on the part of the various organs of the United Nations. ^{1/}

9. The intransigent attitude of the Union on the racial question was all the more paradoxical, as its Government welcomed the emancipation of African countries and as, at the San Francisco Conference in 1945, Field Marshall Smuts had been an ardent defender of the fundamental freedoms and had urged that the Charter should contain a declaration of human rights in its preamble.

10. A number of iniquitous laws had been promulgated in the Union of South Africa since the adoption of resolution 1248 (XIII). He quoted editorials in such trustworthy South African newspapers as the *Cape Times* and *The Natal Mercury* which clearly demonstrated the authoritarian nature of the job reservation provisions contained in the Industrial Conciliation Amendment Act, 1959, and the opinion of two officials of the International Confederation of Free Trade Unions that that Act was in conflict with the Charter and

^{1/}L. Oppenheim, *International Law: A Treatise* vol. I, Peace, 8th ed. (ed. H. Lauterpacht), London, Longmans, Green and Co., 1955, p. 320.

relevant international conventions. He went on to give details of racial discrimination in the sphere of higher education and economic development. The Promotion of Bantu Self-government Act had abolished the parliamentary representation of the Africans, in violation of the promises made in 1936 by General Hertzog, then Prime Minister. The Africans had been left only a wholly illusory "autonomy" in the areas to which they were confined, and in addition attempts were being made to sow discord among them.

11. One of the advantages of the parliamentary and democratic system was that it allowed the struggle against injustice to be conducted by legal means. Deprived of that protection, victims had no alternative but to resort to the use of force. Hence the danger of bloody clashes was very real; that fact had been recognized in a memorandum published by the African National Congress, whose membership was multi-racial. Moreover, social instability would be accentuated as the inevitable progress of industrialization in South Africa created a proletariat with technical knowledge and some economic power, however limited, but without political rights and subject to countless measures of discrimination. What was more, there was a danger that the kind of racial conflict provoked by the policy of "apartheid" might spread by contagion to other African territories mentioned in the resolution on racial discrimination adopted by the recent Conference of Independent African States at Monrovia. That should not cause any surprise, since the representatives of the Union of South Africa had presented that policy not as a necessary evil limited to their own country but as a pattern for the world to follow.

12. The policy of "apartheid", which was aimed not at the individual but at a whole class, was in fact endangering international harmony. That was what had led many delegations, including his own, to sponsor the draft resolution before the Committee (A/SPC/L.37). The draft was worded very moderately and might be said to represent the lowest common denominator of adverse opinion in the matter. It should be able to make some impact, if not directly on the Government of the Union of South Africa, at least on the many citizens of that country who were opposed to racial discrimination. The last operative paragraph of the draft resolution was not, as some had feared, a request for sanctions. It was merely an appeal to Member States to do what they could in the matter, and to use their influence to get the Union of South Africa to abandon the fatal course it was following. There was thus nothing to prevent the draft resolution from being adopted by a very large majority.

The meeting rose at 6.5 p.m.