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PROVISIONAL AGENDA OF THE THIRTEENTH REGULAR SESSION OF
THE GENERAL ASSEMBLY: ITEM PROPOSED BY INDIA

TREATMENT OF PEOPLE OF INDIAN ORIGIN IN THE UNION OF SOUTH AFRICA:
REPORTS BY THE GOVERNMENTS OF INDIA AND PAKISTAN

Letter dated 14 July 1958 from the Permanent Representative of India
to the United Nations, addressed to the Secretary-General

New York, 14 July 1958

In accordance with the instructions of the Government of India and pursuant to rule 13 (e) of the rules of procedure of the General Assembly, I have the honour to propose the following item for inclusion in the agenda of the thirteenth regular session of the General Assembly:

"Treatment of people of Indian origin in the Union of South Africa: reports by the Governments of India and Pakistan."

An explanatory memorandum in terms of rule 20 of the rules of procedure is attached.

(Signed) Arthur S. Lall
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of India to the
United Nations

EXPLANATORY MEMORANDUM

At its twelfth session, the General Assembly gave consideration for the eleventh time to the item entitled "Treatment of People of Indian Origin in the Union of South Africa", and on 26 November 1957, it adopted resolution 1179 (XII), the operative paragraphs of which read as follows:

"3. Appeals to the Government of the Union of South Africa to participate in negotiations with the Governments of India and of Pakistan with a view to solving this problem in accordance with the purposes and principles of the United Nations Charter and the Universal Declaration of Human Rights;

"4. Invites the parties concerned to report to the General Assembly as appropriate, jointly or separately, regarding the progress of the negotiations".

With a view to implementing the wishes of the General Assembly contained in the aforementioned resolution, the Government of India, through its Permanent Representative to the United Nations, addressed the Government of the Union of South Africa, through its acting Permanent Representative. ... In his communication (vide text attached), the Permanent Representative of India conveyed to the Government of the Union of South Africa the sincere desire of the Government of India to act in accordance with the aforesaid resolution, and in conformity with the statement by the Indian delegation at the twelfth session of the General Assembly in respect of the resolution. The Government of India explicitly expressed their desire and readiness to enter into and pursue negotiations with the Government of the Union of South Africa in accordance with the resolution, and also explained that such negotiations would be without prejudice to the position adopted by any of the parties concerned in respect of the issue of "domestic jurisdiction" under Article 2(7) of the Charter of the United Nations. While the Government of India suggested that such negotiations might conveniently be held between the representatives of the Governments of the parties concerned at New York, they expressed their willingness to consider any alternative venue that the Government of the Union of South Africa might desire to suggest. The Government of India also sought the views of the Government of the

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Union of South Africa in regard to a suitable time for the commencement of such negotiations and expressed the hope that the Government of the Union of South Africa would welcome the initiative thus taken.

Although it is more than three months since the aforementioned communication was sent to the Acting Permanent Representative of the Union of South Africa to the United Nations, no acknowledgment or reply has been received to this day.

In compliance with paragraph 4 of resolution 1179 (XII), the Government of India propose to report to the General Assembly at its thirteenth session and in order to enable them to do so have asked for the inscription of this item in the agenda. Moreover, the Government of India feel that it will be the wish of the General Assembly to recommend further measures, in the light of the prevailing situation, for a peaceful and speedy solution of this problem.

No. 1097.

PERMANENT MISSION OF INDIA TO THE UNITED NATIONS
3 East 64th Street,
New York 21, N. Y.

8 April 1958.

Sir,

I have the honour to invite reference to paragraphs 3 and 4 of resolution 1179 (XII) on the item entitled "Treatment of people of Indian origin in the Union of South Africa" adopted by the United Nations General Assembly at its 723rd plenary meeting on 26 November 1957.

The Government of India desire to inform the Government of the Union of South Africa that they desire to act in accordance with paragraph 4 of the aforesaid resolution and in conformity with the statement made by the Indian delegation in the Special Political Committee in respect of it. They, therefore, desire and are prepared to enter into and pursue negotiations with the Government of the Union of South Africa in accordance with the aforesaid resolution. The Government of India further desire to state that such negotiations will be without prejudice to the position adopted by any of the parties concerned in respect of the issue of "Domestic jurisdiction" under Article 2(7) of the Charter of the United Nations.

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The Government of India suggest that such negotiations may conveniently be held between the representatives of the Governments of the parties concerned at New York. They would, however, be willing to consider any alternative venue that the Government of the Union of South Africa may desire to suggest. They also seek the views of the Government of the Union of South Africa in regard to a suitable time for such negotiations to begin.

The Government of India earnestly trust that the Government of the Union of South Africa will welcome the initiative now taken and accede to the request made in pursuance of the decision of the General Assembly of the United Nations.

Please accept, Sir, the assurances of my highest consideration.

(Signed) Arthur S. Lall
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of India to the
United Nations

Mr. J.S.F. Botha,
Acting Permanent Representative of the Union of South Africa to the United Nations,
655 Madison Avenue,
New York 21, N. Y.
