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TREATMENT OF PEOPLE OF INDIAN ORIGIN IN THE UNION OF SOUTH AFRICA:  
REPORT OF THE GOVERNMENT OF PAKISTAN

Letter dated 11 September 1956 from the Permanent Representative of  
Pakistan to the United Nations, addressed to the Secretary-General

New York, 11 September 1956

I have the honour to invite your attention to paragraph 3 of the resolution adopted by the General Assembly at its 554th plenary meeting held on 14 December 1955, which for facility of reference is reproduced below:

"The General Assembly

....

"3. Invites the parties to report as appropriate, jointly or separately, to the General Assembly at its next session."

As the Government of Pakistan desires to submit its report to the General Assembly at its eleventh session, I have been instructed to request you to include the following item in the provisional agenda for that session in pursuance of resolution 919 (X):

"Treatment of people of Indian origin in the Union of South Africa: report of the Government of Pakistan (General Assembly resolution 919 (X) dated 14 December 1955)."

An explanatory memorandum relating to the above item in terms of rule 20 of the rules of procedure is attached.

(Signed) M. Mir KHAN

Ambassador Extraordinary and Plenipotentiary  
Permanent Representative  
of Pakistan to the  
United Nations

## EXPLANATORY MEMORANDUM

At its tenth session the General Assembly further considered the item entitled "Treatment of people of Indian origin in the Union of South Africa", and adopted a resolution urging the parties concerned to pursue negotiations with a view to bringing about a settlement of the question.

In accordance with that resolution, the Government of Pakistan, through its Permanent Representative to the United Nations, requested the Government of the Union of South Africa, through its Permanent Representative, to enter into negotiations and accordingly addressed it in terms of the attached letter.

Unfortunately, the Government of the Union of South Africa did not see its way to accede to the request of the Government of Pakistan. A copy of the reply received from the Government of the Union of South Africa is also attached.

It will be clear that the purposes of General Assembly resolution 919 (X) have remained unfulfilled. In the meanwhile, the position of persons of Indian origin in South Africa has further deteriorated. Numbers of these persons have been uprooted from their homes and have been forbidden to reside in important industrial and commercial areas of the Union.

In compliance with paragraph 3 of resolution 919 (X), the Government of Pakistan propose to report on this matter to the General Assembly at its eleventh session and have accordingly asked for the inscription of this item. The Government of Pakistan feel sure that the General Assembly will wish to take further steps to bring about a peaceful and appropriate solution of this problem.

ANNEX I

Letter dated 11 June 1956 from the Permanent Representative of  
Pakistan, addressed to the Permanent Representative of the Union  
of South Africa

11 June 1956

I have the honour to invite reference to paragraph 2 of the resolution on the item entitled "Treatment of people of Indian origin in South Africa" adopted by the General Assembly of the United Nations at its 554th plenary meeting held on 14 December 1955.

The Government of Pakistan desire to inform the Government of the Union of South Africa that, in accordance with paragraph 2 of the aforesaid resolution and in conformity with the statement made by the Permanent Representative of Pakistan to the United Nations at the 34th meeting of the Ad Hoc Political Committee of the tenth session of the General Assembly in respect of it, they are prepared to initiate and pursue negotiations with the Government of the Union of South Africa in pursuance of the aforesaid resolution.

The Government of Pakistan further wish to state that in their view such negotiations will 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.

The Government of Pakistan 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 would desire to make. They also seek the views of the Government of the Union of South Africa in regard to a suitable period for such negotiations to begin.

The Government of Pakistan 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 aforementioned resolution of the General Assembly of the United Nations.

The Government of Pakistan hope that, through negotiations with the Government of the Union of South Africa, satisfactory and positive results may be obtained.

(Signed) M. Mir KHAN  
Ambassador Extraordinary and  
Plenipotentiary  
Permanent Representative of Pakistan to  
the United Nations

ANNEX II

Letter dated 12 July 1956 from the Permanent Representative of  
the Union of South Africa, addressed to the Permanent Representative  
of Pakistan

12 July 1956

I have the honour to acknowledge receipt of your letter 56-S/56 of 11 June 1956, the text of which has been communicated to the Minister of External Affairs.

Some weeks earlier the Union Government had been approached by the Government of India through its Permanent Representative at the United Nations and, by direction of the Minister of External Affairs, I append for your information the text of the Union's reply sent through the Union's Deputy Permanent Representative to the United Nations, New York.

"I have the honour to acknowledge receipt of your letter of 21 May 1956, which has been submitted to the Minister of External Affairs of the Union of South Africa.

1. I am directed by the Minister to remind you that on 17 December 1954 the Government of the Union of South Africa took the initiative in suggesting to the Governments of India and Pakistan that discussions be held between the three Governments concerned on the subject of the treatment of persons of Indian origin in the Union of South Africa, such discussions to be without prejudice to the juridical position consistently taken up by South Africa on the subject of domestic jurisdiction.

2. While telegrams were passing between the Governments concerned, the Prime Minister of India in two public speeches made violent and unsavoury attacks on the Government of the Union of South Africa.

3. The Government of the Union of South Africa, therefore, could come to no other conclusion than that the Government of India was not serious in its response to the initiative taken by the Government of the Union of South Africa in trying to discuss the matter on a friendly basis.

4. In view of what happened on that occasion, the Government of the Union of South Africa can hardly be expected to regard the offer now made by the Government of India as being serious and, in the circumstances, must respectfully decline to run the risk of a similar experience.

5. Moreover, it is noted that the offer of the Government of India is made 'in pursuance of the decisions of the General Assembly of the United Nations' and that the proposed discussions be held in New York, which is the Headquarters of the United Nations.

I am asked to point out that ever since this matter was first raised at the United Nations in 1946, the Government of the Union of South Africa has consistently taken up the attitude that in terms of Article 2, paragraph 7, of the Charter, the United Nations does not have the right to interfere in a matter which falls within the domestic jurisdiction of a Member State. Matters relating to persons of Indian origin in South Africa are essentially of a domestic character, and are thus not the concern of the United Nations.

6. Reference to the telegrams which passed between the Governments concerned will show that in its telegram of 17 December 1954, in which the Government of the Union of South Africa took the initiative, and suggested discussions on a friendly basis, there was no suggestion that such discussions should be in pursuance of a resolution passed by the United Nations General Assembly. It will further be noted that the Governments of India and Pakistan, in their identically-worded reply, referred to 'implications which have an international significance', and added that the two Governments (India and Pakistan) were 'unable to disregard the purposes and principles of the Charter of the United Nations and the resolutions passed by the United Nations from 1946 onwards, and the obligations arising therefrom'.

7. In its reply to this telegram, the Government of the Union of South Africa indicated that if the Governments of India and Pakistan proposed that the suggested discussions should be conducted with due regard to the purposes and principles of the Charter and resolutions of the United Nations then the proposal would constitute a complete refutation of the Union's views in regard to domestic jurisdiction. The Union Government would not be able to agree to such a proposal.

8. For the reasons set out above, and more particularly in paragraphs 2, 3 and 4, the Government of the Union of South Africa is of the opinion that no good purpose would be served by traversing the same ground, and repeating the attempt to initiate discussions, made by the Government of the Union of South Africa in its telegram of 17 December 1954 - an attempt which was wrecked by the Prime Minister of India in his speeches delivered at a public meeting in Delhi and in the Indian Parliament, respectively, at a time when the exchange of telegrams was actually taking place - and when members of the South African Government were scrupulously refraining from any critical or unfriendly remarks about the Government of India.

9. In conclusion, I am asked to say that the Government of the Union of South Africa would welcome an improvement in its relation with the Governmen

of India, and suggests that such an improvement would more easily be achieved if the Government of India would appreciate that the Government of the Union of South Africa cannot agree to disavow a principle in which it firmly believes, and which moreover is in accordance with the principles of the United Nations as enunciated in Article 2, paragraph 7, of the Charter."

It will be noted that for the reasons set out in the above reply, and more particularly in paragraphs 2, 3 and 4, the Union Government is of the opinion that no good purpose would be served by traversing the same ground, and repeating the attempt to initiate discussions, made by the Union in December 1954. While the Union Government again wishes to emphasize that your Government was not responsible for the failure of the Union's attempt to discuss the differences on the main issue in an amicable spirit, your Government will appreciate that it would serve no object to have discussions with Pakistan only. Not only is no distinction made between Indians of the Moslem, Hindu and other faiths, but as you know there is the further fact that about 80 per cent of the South African Indians are Hindus.

Moreover, the Union Government's attitude in regard to discussions pursuant to General Assembly resolutions, etc., is clearly set out in its reply to the Government of India.

(Signed)      Wentzel C. du PLESSIS  
                    Permanent Representative

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