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## TREATMENT OF PEOPLE OF INDIAN ORIGIN IN THE UNION OF SOUTH AFRICA: REPORT OF THE UNITED NATIONS GOOD OFFICES COMMISSION

### Report of the Ad Hoc Political Committee

Rapporteur: Mr. W. D. FORSYTH (Australia)

1. The General Assembly has considered the question of the treatment of people of Indian origin in the Union of South Africa at its first, second, third, fifth, sixth and seventh sessions. At the seventh session, the General Assembly, on 5 December 1952, adopted resolution 615 (VII) regarding the question. The resolution established a United Nations Good Offices Commission consisting of three members to be nominated by the President of the General Assembly, with a view to arranging and assisting in negotiations between the Government of the Union of South Africa and the Governments of India and Pakistan in order that a satisfactory solution of the question in accordance with the Purposes and Principles of the Charter and Universal Declaration of Human Rights might be achieved. The Commission was requested to report to the General Assembly at its eighth session. At the 411th plenary meeting on 21 December 1952, the President announced that he had appointed the following members to serve on the Good Offices Commission: Cuba, Syria and Yugoslavia.

2. In its report to the General Assembly (A/2473), submitted on 14 September 1953, the Good Offices Commission stated that, on 20 March 1953, it had sent a letter to the Ministers for Foreign Affairs of India, Pakistan and the Union of South Africa informing them that the Commission was at their disposal and that it would appreciate any suggestions concerning the manner in which it could render assistance, as well as any information or views which might contribute

to the accomplishment of its task. On 20 May, the Secretary-General forwarded to the members of the Commission a copy of a letter addressed to him on 13 May by the Permanent Representative of the Union of South Africa, stating that the Union Government regarded General Assembly resolution 615 (VII) as unconstitutional and could grant no recognition to the Commission appointed under that resolution. The Good Offices Commission informed the General Assembly that, in view of the response of the Government of the Union of South Africa, it had been unable to carry out its task to arrange and assist in negotiations between the Governments concerned.

3. Pursuant to the final paragraph of resolution 615 (VII), the question was placed on the provisional agenda of the eighth session of the General Assembly.

4. On 17 September, the General Assembly at its 435th plenary meeting rejected, by 45 votes to 1, with 11 abstentions, a proposal to exclude the item from the agenda. The item was thereupon referred to the Ad Hoc Political Committee for consideration and report.

5. The Ad Hoc Political Committee considered the question at its 13th to 22nd meetings, held between 16 and 29 October 1953.

6. At the 13th meeting of the Committee, on 16 October, the representative of India introduced a joint draft resolution (A/AC.72/L.10) sponsored by Afghanistan, Bolivia, Burma, Egypt, Guatemala, Haiti, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Pakistan, the Philippines, Saudi Arabia, Syria and Yemen. Under the terms of the draft resolution, as subsequently revised by its sponsors (A/AC.72/L.10/Rev.1), the General Assembly would: (1) recall that it had given consideration to the question at six earlier sessions; (2) recall its previous resolutions on the subject; (3) recall that resolutions 395 (V), 511 (VI) and 615 (VII) had successively called on the Government of the Union of South Africa to refrain from implementing or enforcing the Group Areas Act; (4) take note of the report of the Good Offices Commission, and in particular the Commission's conclusion that, in view of the response of the Government of the Union of South Africa, it had been unable to carry out its task to arrange and assist in negotiations between the Governments concerned; (5) express its regret that the South African Government (a) had refused to make use of the

Commission's good offices or to utilize any of the alternative procedures for the settlement of the problem recommended by the four previous resolutions of the General Assembly; (b) had continued to implement the Group Areas Act in contravention of the provisions of three previous resolutions; and (c) was proceeding with further legislation contrary to the Charter and the Universal Declaration of Human Rights, including the Immigrants Regulation Amendment Bill, which sought to prohibit the entry into South Africa of wives and children of South African nationals of Indian origin; (6) consider that those actions of the Union Government were not in keeping with its obligations and responsibilities under the Charter of the United Nations; (7) decide to continue the Good Offices Commission and urge the Government of the Union of South Africa to co-operate with that Commission; (8) request the Commission to report to the next session the extent of progress achieved together with its own views on the problem and any proposals which in its opinion might lead to a peaceful settlement of it; (9) again call upon the Government of the Union of South Africa to refrain from implementing the provisions of the Group Areas Act; and (10) decide to include the item in the provisional agenda of its ninth regular session.

7. At the 21st meeting on 28 October, the representative of Costa Rica submitted an oral amendment to the joint draft resolution under which, in paragraph 5 (b), the words "in spite of" would be substituted for the words "in contravention of". This amendment was accepted by the representative of India on behalf of the sponsors of the joint draft resolution.

8. At the same meeting, the Committee proceeded to vote, paragraph by paragraph, on the amended joint draft resolution with the following results:

- Paragraph 1 was adopted by 48 votes to one, with 7 abstentions;
- Paragraph 2 (a) was adopted by 49 votes to 3, with 7 abstentions;
- Paragraph 2 (b) was adopted by 50 votes to one, with 7 abstentions;
- Paragraph 2 (c) was adopted by 47 votes to one, with 10 abstentions;
- Paragraph 2 (d) was adopted by 47 votes to one, with 11 abstentions;
- Paragraph 2 (e) was adopted by 47 votes to one, with 11 abstentions;
- Paragraph 3 was adopted by 40 votes to 5, with 12 abstentions;
- Paragraph 4 was adopted by 45 votes to one, with 12 abstentions;

Paragraph 5 (a) was adopted by 40 votes to 10, with 8 abstentions;

Paragraph 5 (b) was adopted by 34 votes to 10, with 15 abstentions;

Paragraph 5 (c) was adopted by 32 votes to 15, with 11 abstentions;

Paragraph 6 was adopted by 32 votes to 10, with 16 abstentions;

Paragraph 7 was adopted by 46 votes to 4, with 8 abstentions;

Paragraph 8, up to and including the words "progress achieved" was adopted by 44 votes to 7, with 6 abstentions;

The remainder of paragraph 8 was adopted by a roll-call vote of 37 to 13, with 9 abstentions. The voting was as follows:

In favour: Afghanistan, Argentina, Bolivia, Brazil, Burma, Byelorussian Soviet Socialist Republic, Chile, China, Costa Rica, Cuba, Czechoslovakia, Ecuador, Egypt, El Salvador, Ethiopia, Guatemala, Haiti, Honduras, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Mexico, Nicaragua, Pakistan, Peru, Philippines, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yemen, Yugoslavia.

Against: Australia, Belgium, Denmark, France, Greece, Luxembourg, Netherlands, New Zealand, Norway, Sweden, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Canada, Colombia, Dominican Republic, Iceland, Israel, Paraguay, Thailand, Turkey, Venezuela.

Paragraph 9 was adopted by 33 votes to 10, with 15 abstentions;

Paragraph 10 was adopted by 45 votes to 10, with 4 abstentions.

The draft resolution as a whole was adopted by a roll-call vote of 38 to 2, with 19 abstentions. The voting was as follows:

In favour: Afghanistan, Bolivia, Brazil, Burma, Byelorussian Soviet Socialist Republic, Chile, China, Costa Rica, Cuba, Czechoslovakia, Ecuador, Egypt, El Salvador, Ethiopia, Guatemala, Haiti, Honduras, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Mexico, Nicaragua, Pakistan, Paraguay, Philippines, Poland, Saudi Arabia, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United States of America, Uruguay, Yemen, Yugoslavia.

Against: Greece, Union of South Africa.

Abstaining: Argentina, Australia, Belgium, Canada, Columbia, Denmark, Dominican Republic, France, Iceland, Israel, Luxembourg, Netherlands, New Zealand, Norway, Peru, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, Venezuela.

9. The Ad Hoc Political Committee, therefore, recommends to the General Assembly the adoption of the following resolution:

TREATMENT OF PEOPLE OF INDIAN ORIGIN IN THE UNION OF SOUTH AFRICA

The General Assembly

1. Recalls that at its first, second, third, fifth, sixth and seventh sessions it has given consideration to the question of the treatment of people of Indian origin in the Union of South Africa;

2. Further recalls:

(a) That resolution 44 (I) of 8 December 1946 expressed the opinion that the treatment of Indians in the Union of South Africa should be in conformity with the international obligations under the agreements concluded between the Governments of India and the Union of South Africa and the relevant provisions of the Charter and requested the two Governments to report to the General Assembly on the measures adopted to this effect;

(b) That resolution 265 (III) of 14 May 1949 invited the Governments of India, Pakistan and the Union of South Africa to enter into discussion at a round table conference, taking into consideration the Purposes and Principles of the Charter and the Declaration of Human Rights;

(c) That resolution 395 (V) of 2 December 1950 held that a policy of "racial segregation" (apartheid) was necessarily based on doctrines of racial discrimination; repeated its recommendation that a round table conference be held; and further recommended that in the event of failure to hold a conference or reach agreement thereat, a commission of three members be set up to assist the parties in carrying through appropriate negotiations;

(d) That resolution 511 (VI) of 12 January 1952 reaffirmed the recommendation of resolution 395 (V) that a three-member commission be established and further requested the Secretary-General of the United Nations, in the event of failure to establish such a commission, to lend his assistance to the Governments concerned and if necessary to appoint an individual who would render any additional assistance deemed advisable;

(e) That resolution 615 (VII) of 5 December 1952 established a three-member United Nations Good Offices Commission to arrange and assist

in negotiations between the Governments concerned in order that a satisfactory solution in accordance with the Purposes and Principles of the Charter and the Universal Declaration of Human Rights might be achieved;

3. Also recalls that resolutions 395 (V), 511 (VI) and 615 (VII) successively called on the Government of the Union of South Africa to refrain from implementing or enforcing the Group Areas Act;

4. Takes note of the report of the Good Offices Commission (A/2473), and in particular its conclusion that "in view of the response of the Government of the Union of South Africa, it has been unable to carry out its task to arrange and assist in negotiations between the Governments concerned"

5. Expresses its regret that the Government of the Union of South Africa:

(a) Has refused to make use of the Commission's good offices or to utilize any of the alternative procedures for the settlement of the problem recommended by the four previous resolutions of the General Assembly;

(b) Has continued to implement the Group Areas Act in spite of the provisions of three previous resolutions; and

(c) Is proceeding with further legislation contrary to the Charter and the Universal Declaration of Human Rights including the Immigrants Regulation Amendment Bill which seeks to prohibit the entry into South Africa of wives and children of South African nationals of Indian origin;

6. Considers that these actions of the Government of the Union of South Africa are not in keeping with its obligations and responsibilities under the Charter of the United Nations;

7. Decides to continue the Good Offices Commission and urges the Government of the Union of South Africa to co-operate with that Commission;

8. Requests the Commission to report to the next session of the General Assembly the extent of progress achieved, together with its own views on the problem and any proposals which in its opinion may lead to a peaceful settlement of it;

9. Again calls upon the Government of the Union of South Africa to refrain from implementing the provisions of the Group Areas Act;

10. Decides to include this item in the provisional agenda of the ninth session of the General Assembly.