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

Communication dated 9 April 1951 addressed to the Secretary-General
by the Permanent Representative of India to the United Nations

The Permanent Representative of India to the United Nations presents his compliments to the Secretary-General of the United Nations and, with reference to his communication No. 831 of 27 March 1951* regarding the implementation of the United Nations General Assembly resolution** on the treatment of people of Indian origin in the Union of South Africa, has the honour to transmit herewith copies of the following communications:

- (1) letter No. 83-1/51, dated 3 March 1951, from the Secretary of the High Commissioner for India in the Union of South Africa to the Honourable the Prime Minister and Minister for External Affairs, Union of South Africa, Cape Town.
- (2) Telegram No. 3, dated 5 March 1951, from PRIMUS (Government of the Union of South Africa) Cape Town to Foreign, New Delhi.
- (3) Letter No. 4M19/2, dated 8 March 1951, from the Secretary for External Affairs, Government of the Union of South Africa, to the Secretary to the High Commissioner for India in the Union of South Africa.
- (4) Letter No. 83-1/51, dated 17 March 1951 from the Secretary to the High Commissioner for India in South Africa to the Honourable the Prime Minister and Minister for External Affairs of the Union of South Africa, Cape Town.
- (5) Telegram No. 4 dated 21 March 1951 from PRIMUS (Government of the Union of South Africa) Cape Town, to Foreign, New Delhi.
- (6) Letter No. 83-1/51, dated 28 March 1951 from the Secretary to the High Commissioner for India in South Africa to the Honourable the Prime Minister and Minister for External Affairs of the Union of South Africa, Cape Town.

* See A/1794.

** Resolution 395 (V).

ANNEX 1

Letter dated 3 March 1951 from the Secretary to the High Commissioner
for India to the Prime Minister and Minister of External Affairs
of the Union of South Africa

I have the honour to convey the following communication from the Government of India:

"The Government of India invite the attention of the Government of the Union of South Africa to the resolution adopted by the General Assembly of the United Nations at its 315th plenary meeting on 2 December 1950 and wish to know whether the Union Government are agreeable to a Round Table Conference being convened in accordance with the terms of that resolution, and if so, where and when."

(Signed) R. T. CHARI
Secretary to the High
Commissioner

ANNEX 2

Telegram dated 5 March 1951 from the Government of the Union of South Africa
to the Ministry for External Affairs of India

With reference to Secretary-General's letter circulating to Member Governments text of resolution adopted by United Nations General Assembly on treatment of Indians in South Africa the South African Delegation to United Nations is today being requested to inform him that Union Government are unable to accept General Assembly resolution as providing a basis for any Round Table Conference since terms of resolution constitute intervention in a matter which is essentially within Union's domestic jurisdiction. The Union Government are further unable to accept that part of resolution relating to establishment of a 3-member commission to assist parties in carrying through appropriate negotiations in event of failure of Governments concerned to hold a Round Table Conference before 1 April 1951.

Although Union Government consider resolution unacceptable and continue to hold that this is a matter outside competence of United Nations they wish to make it clear that they adhere to policy agreed upon at conclusion of talks with India and Pakistan in Capetown in February of last year in spite of the attitude taken up since that date by Government of India. The formula accepted by three Governments on that occasion was as follows:

"It was agreed that a Round Table Conference be convened to explore all possible ways and means of settling Indian question in the Union of South Africa. It was agreed that neither discussion under this formula nor holding a Round Table Conference itself would involve any departure from or prejudice to standpoints of respective Governments in regard to questions of domestic jurisdiction".

Union Government continue to be prepared to participate in a Round Table Conference with India and Pakistan on the basis of this formula which allows widest freedom of discussion to all parties without any further conditions. Their attitude has undergone no change whatever since formula was agreed and they have at United Nations and elsewhere reiterated their willingness to proceed with negotiations on basis of Capetown talks.

The obstacles to summoning of a Round Table Conference lie therefore not with Union.

ANNEX 3

Letter dated 8 March 1951 from the Secretary for External Affairs
of the Union of South Africa to the Secretary to the
High Commissioner for India

I am directed by the Prime Minister to acknowledge with thanks your letter No. 83-1/51 of 3 March and to enclose for your information a copy of a telegram sent to the Governments of India and Pakistan conveying the text of a statement which the South African Delegation to the United Nations has been instructed to transmit to the United Nations Secretary-General.*

From this you will note that the Union Government continue to be prepared to participate in a Round Table Conference with the Governments of India and Pakistan on the basis of the formula agreed upon at the preliminary talks held in Cape Town in February of last year.

* See A/1787.

ANNEX 4

Letter dated 17 March 1951 from the Secretary
to the High Commissioner for India
to the Prime Minister and Minister
for External Affairs of the
Union of South Africa

I am instructed by the Government of India to convey to you the following communication:

"The Government of India have received your telegram No. 3 of 5 March. You must have already seen their earlier message which was communicated by the Secretary to the High Commissioner on 3 March.

"The Government of India deeply regret that the Union Government should have expressed their inability to accept the resolution of the United Nations General Assembly. The Union Government are fully aware of the reasons for which no conference could be held on the basis of the preliminary agreement of February 1950. In the view of the Government of India, the resolution of the General Assembly is best designed to secure discussion of the dispute in an unprejudiced atmosphere. It also sets up suitable machinery for helping in the negotiations between the parties, should they unfortunately fail to reach an agreement by themselves. Therefore the Government of India consider that discussions should take place in accordance with the General Assembly's resolution. The Government of India would therefore request the Union Government to reconsider their viewpoint and would be grateful for an early reply."

(Signed) R. T. CHARI
Secretary to the High Commissioner

ANNEX 5

Telegram dated 21 March 1951 from the Government
of the Union of South Africa to the Ministry
for External Affairs of India

The Union Government acknowledge with thanks the views of the Government of India relevant to the possibilities of holding a Round Table Conference as conveyed in letter 83-1/51 of 17 March from the Secretary to the Office of the High Commissioner for India.

It is noted that the Government of India are of the opinion that the proposed discussions should take place in accordance with the General Assembly's resolution and suggest that the Union Government should reconsider their attitude to this resolution.

The Government of India's further request has been duly considered but the Union Government regret that for reasons already indicated in their reply to the United Nations Secretary-General they are unable to depart from the standpoint outlined in that communication. When the Cape Town formula was agreed upon it was clearly understood that neither the discussion under the formula nor the holding of the Round Table Conference itself would involve any departure from or prejudice to the standpoint of the respective Governments in regard to the question of domestic jurisdiction. The request of the Government of India implies that the Union Government should unilaterally abandon their standpoint on this issue which they regret they are unable to do.

ANNEX 6

Letter dated 28 March 1951 from the Secretary to the
High Commissioner for India to the Prime Minister
and Minister for External Affairs of the
Union of South Africa

I am desired by the Government of India to convey to you the following communication:

"The Government of India have carefully considered your telegram No. 4 dated 21 March 1951. They regret the Union Government's inability to reconsider their viewpoint and have the honour to communicate the text of a message which they have asked their Permanent Representative at the United Nations to send to the Secretary-General of the United Nations. The message explains the Government of India's position."

2. I have the honour to enclose the text of the message to the Secretary-General referred to above.

(Signed) R. T. CHARI
Secretary to the High Commissioner
