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Chairman: Mr. Yordan TCHOBANOV (Bulgaria).

AGENDA ITEM 75

Treatment of people of Indian and Indo-Pakistan origin in the Republic of South Africa (A/4803 and Add.1, A/4817; A/SPC/L.76 and Add.1 and 2) (continued)*.

1. Mr. COMPAH (Mali) said that the item under discussion was another manifestation of "apartheid", that relic of the universally condemned system of colonial domination and the exploitation of man by man. His delegation would support any draft resolution that would end the situation. It could not be in favour, however, of mere declarations of good intentions, designed to cloak a determination to do nothing. Unless energetic action was taken to realize the hopes that were being raised, the result would be disappointment and dismay. He hoped that all Member States would work to bring progress and freedom to all mankind; the rest was mere verbiage.

2. U SAIN BWA (Burma), recalled that the question before the Committee had been the subject of discussions in the General Assembly since 1946. The South African Government's treatment of people of Indian and Indo-Pakistan origin was a violation of the principles of the United Nations Charter and the Universal Declaration of Human Rights and of the contractual obligations assumed by South Africa. There was therefore no question that the United Nations was competent in the matter. The representatives of India (291st meeting) and Pakistan (292nd meeting) had declared the readiness of their Governments to negotiate with the South African Government with a view to a solution in accordance with the principles of the Charter, and his delegation hoped that such negotiations would take place. Burma would therefore support the draft resolution before the Committee (A/SPC/L.76 and Add.1 and 2), which was similar to the resolution 1597 (XV) adopted by the General Assembly at its previous session, and hoped that the draft resolution would receive the unanimous support of the Committee, since unanimity was very important for the effectiveness of such resolutions.

3. Mr. BENABUD (Morocco) said that the matter under discussion concerned about half a million people in South Africa, 90 per cent of whom had been born in that country. During the nineteenth century,

at the request of South Africa, India had agreed to arrange for Indian workers to emigrate to South Africa, and South Africa had promised in return to protect the rights of the persons concerned. They had worked diligently and made an important contribution to the development of their new homeland, with the result that the South African Government had taken steps to persuade them to remain rather than claim their right to repatriation. In such circumstances, they clearly deserved to be accepted as an integral part of the South African population and granted full rights.

4. Unfortunately, South Africa had ignored its obligations and had not respected the rights of the people of Indian and Indo-Pakistan origin. They had become the victims of discriminatory legislation, and had been deprived of fundamental rights and freedoms, uprooted from their homes and obliged to live under conditions of terror and injustice. India and Pakistan did not claim any special treatment for the people of Indian and Indo-Pakistan origin, but merely asked that they should be treated in conformity with the Charter and the Universal Declaration of Human Rights. The Indian and Pakistan Governments had repeatedly expressed their readiness to negotiate with the South African Government in an effort to reach a just settlement, and it was to be deplored that South Africa had ignored the approaches of those Governments, disregarded all the General Assembly's resolutions, and persisted in policies of discrimination which gave rise to international tension and threatened world peace.

5. Morocco would vote in favour of the conciliatory and constructive draft resolution which had been submitted (A/SPC/L.76 and Add.1 and 2), and hoped that South Africa would reconsider its attitude and comply with its obligations under the Charter.

6. Mr. MAHMUD-GHAZI (Afghanistan) said that the general views of his delegation regarding racial discrimination in South Africa had been expressed during the Committee's discussions on the item relating to "apartheid". He commended the draft resolution, of which Afghanistan was a co-sponsor, to the support of the Committee; that draft resolution was realistic and moderate and showed a conciliatory spirit.

7. Mr. DOBROWOLSKI (Poland) recalled that the Committee had only recently completed the discussion of the "apartheid" policies of the South African Government, policies which showed that racist theories had not disappeared from the earth despite the tragic lessons of history. The absence of the representative of South Africa during the present discussions indicated that South Africa had learnt nothing from the Committee's discussions regarding "apartheid", and he trusted that that situation would finally convince all representatives of the necessity to take firm measures against the South African authorities.

*Resumed from the 292nd meeting.

8. The representatives of India and Pakistan had informed the Committee that the oppression suffered by their brothers in South Africa was not only continuing but was being intensified. There could be no doubt that the South African Government's policies in that regard were based on economic motives. Similar policies had been followed by the Nazis towards the Jewish population in Germany, and in Poland also during the occupation of that country. In pursuit of the interests of the white minority which ruled South Africa, the Government of that country was setting at nought earlier agreements protecting the rights of the population of Indian and Indo-Pakistan origin, and was instituting a ghetto régime instead. As a culmination of that policy it had recently set up a Ministry for Indian Affairs, which was a replica of Hitler's special bureaux for the Jewish population. All contact between the Indian and Indo-Pakistan population and the other central institutions was thus prevented. The South African Prime Minister had recently suggested that those who were concerned about the situation of the Indians in South Africa should take them somewhere else where they would find better opportunities for work. It might be asked whether the other inhabitants of Africa did not entertain corresponding feelings towards the Afrikaners.

9. The draft resolution (A/SPC/L.76 and Add.1 and 2), of which Poland was a co-sponsor, was extremely moderate and merely called for negotiations between the three Governments concerned. He was encouraged by the unanimity which had been evident from the statements of all representatives so far and trusted that there would be no abstentions when the resolution was put to the vote.

10. Mr. CHAU SENG (Cambodia) said that his country abhorred racial discrimination, which was particularly inhuman when it was raised to the level of a government policy. Cambodia would vote for the draft resolution before the Committee, but it was necessary to say that the attitude shown heretofore by South Africa towards the almost unanimous appeals of the General Assembly did not encourage the hope that a positive response would be forthcoming to the present resolution. If all founder Members of the United Nations behaved like South Africa, the United Nations would surely have suffered long ago the same fate as the League of Nations. It would be preferable for such a State to have the courage to leave the United Nations; it did itself and the Organization a bad service by remaining a Member while violating the Charter and ignoring the Assembly's decisions whenever it chose. The United Nations was the only refuge for small countries such as his own, and he appealed to South Africa and other Member States to treat the decisions taken by that Organization with more respect.

11. Mr. ALVARADO (Venezuela) said that, as many representatives had pointed out, the question before the Committee was but one aspect of the whole question of "apartheid"; the representatives of India and Pakistan had shown that the injustices and indignities suffered by the black population of South Africa were suffered equally by the inhabitants of Indian and Indo-Pakistan origin. His country condemned all forms of racial discrimination. With regard to the claim that the United Nations was precluded by Article 2, paragraph 7, of the Charter from discussing the item, Venezuela's view was that that provision could not be quoted in order to prevent discussion of the violation of other provisions of the Charter and of the Uni-

versal Declaration of Human Rights. In any case, the Governments of India and Pakistan had made it clear that they were ready to enter into negotiations with the express declaration that such negotiations would be without prejudice to the juridical positions of the parties.

12. The situation at the present session was the same as it had always been; South Africa had not complied with the General Assembly's resolution 1597 (XV) adopted at the previous session and no response had been forthcoming from that Government to the approaches of the Indian and Pakistan Governments with a view to negotiations, in accordance with operative paragraph 4 of that resolution. Venezuela was a co-sponsor of the draft resolution before the Committee, which again called upon the Government of South Africa to enter into negotiations with the Governments of India and Pakistan, and invited Member States to use their good offices to bring about such negotiations. The draft resolution was similar to resolution 1597 (XV), which had been adopted by seventy-eight votes to none, with two abstentions, and he hoped that at the present session the vote would be unanimous.

13. Mr. FEDOSEEV (Union of Soviet Socialist Republics) said that the question before the Committee was in essence part of the general problem created by the South African Government's criminal racist policies, which the Committee had once again categorically condemned at the current session. In resolution 1597 (XV), adopted at the fifteenth session, the General Assembly had for the seventh time called upon the South African Government to enter into negotiations with the Governments of India and Pakistan. Yet that resolution, like its predecessors and like the relevant communications from those two Governments, had been ignored by the party to which it had been addressed. Moreover, the South African Government was going to ever greater extremes in the application of its inhumane policies and was making the position of the non-European inhabitants of the country more and more difficult. Under the racist legislation in force in South Africa people of Indian and Indo-Pakistan origin could acquire property only in certain limited areas, could not be elected to Parliament and were obliged to live apart from the other racial groups inhabiting the country. According to Press reports, the implementation of that legislation in Johannesburg would force some 30,000 people of Indian and Indo-Pakistan origin to move out of the city and settle on barren land twenty miles away. Facts such as those showed that the South African Government was determined, in spite of everything, to go ahead with its policy of enforced segregation of the half million people of Indian and Indo-Pakistan origin who called South Africa their home.

14. If anyone still had doubts on that score he had only to read the statement made by the Prime Minister on 24 August 1961 to the effect that the Government would not allow such persons to participate in the political life of the country and intended to keep them confined to reservations similar to those in which the indigenous population lived. If further proof was needed it was to be found in the fact that the South African Government had chosen to leave the Commonwealth when its racist policies had come under sharp attack from the latter's Asian and African members. That development had served to underline South Africa's growing isolation from the international community, which could hardly react otherwise to

a Government that elevated to the rank of State policy a racist attitude condemned by all as contrary to the Purposes and Principles of the United Nations Charter and the provisions of the Universal Declaration of Human Rights.

15. As had been aptly stated in plenary, South Africa had become synonymous with racial discrimination and racial discrimination had become synonymous with South Africa. The question was, how much longer would the South African Government's racist policies, which were a disgrace to civilization, be tolerated. A conciliatory attitude obviously would not produce results but would simply amount to appeasement. The General Assembly could not remain a passive witness to the atrocities perpetrated in the name of "apartheid", particularly after the adoption of resolution 1514 (XV), the Declaration on the granting of independence to colonial countries and people. As the representative of Pakistan^{1/} and others had noted during the discussion of the same item at the previous session, South Africa's friends among the Western Powers included some which actually supported it in its racist policies; such support gave it confidence that it could continue to pursue those policies and ignore the General Assembly's decisions with impunity. His delegation considered that the United Nations could no longer allow the situation to continue, for in addition to everything else it undermined the prestige and authority of the Organization. The time had come to take effective measures to put an immediate end to all racial discrimination in South Africa, including that to which people of Indian and Indo-Pakistan origin were subjected. He would vote in favour of any proposals designed to achieve that end.

16. Mr. SOPHIAAN (Indonesia) said that his Government, which had repeatedly expressed its abhorrence of the South African Government's policy of "apartheid" as applied to the African inhabitants of the country, considered that its application to South Africans of Indian and Indo-Pakistan origin was equally reprehensible. The majority of them had been born in South Africa and considered it their homeland, yet they were denied the basic rights to the exercise of which all persons were entitled in their own countries. Over the years they had made a substantial contribution to the prosperity of South Africa; if the Government were to adopt a positive and imaginative approach to the question of race relations they could contribute even more, for they could bring to the South African community the benefits of a heritage rich in cultural, moral and spiritual values and thus help to create a unique South African civilization. Yet the Government was destroying that possibility for the sake of a misguided policy which was doomed to failure.

17. Thus the Assembly was again confronted with the need to make every effort to bring about a change of attitude on the part of that Government. The draft resolution before the Committee, of which his delegation was a sponsor, differed little from that adopted at the previous session and as it noted the express declaration of the Indian and Pakistan Governments that negotiations between them and the Government of South Africa would be without prejudice to the juridical stands taken by any of the parties, it was difficult to imagine that a Member State could refuse to

comply with it. The patience and restraint shown by India and Pakistan in the matter entitled them to the courtesy of a reply. During the general debate in plenary many delegations had expressed their confidence in the future of the United Nations; a unanimous vote in favour of draft resolution A/SPC/L.76 and Add.1 and 2, which invited Member States to use their good offices to bring about the desired negotiations, would help to strengthen the Organization, that could not but lose prestige if its resolutions were disregarded.

18. Mr. VALDES LARRAIN (Chile) said that Chile believed that full compliance with the principles of the Charter, in particular those relating to the self-determination of peoples, respect for the sovereignty of States and non-discrimination, was a vital prerequisite for the peaceful coexistence of States and the promotion of general progress. Any instance of the non-observance of those principles, in any part of the world, was cause for anxiety to peace-loving countries. Member States of the United Nations had an obligation to defend human beings everywhere, regardless of their racial origin or country, and should devote themselves to securing universal respect for the principles upon which the Organization was founded. Accordingly, Chile wished to reaffirm its opposition to racial discrimination of all kinds and to condemn the South African Government's treatment of its nationals of Indian and Indo-Pakistan origin whose forefathers had come to South Africa nearly 100 years ago. The 500,000 people concerned had contributed largely, through their effort and sacrifice, to the present prosperity of the Republic of South Africa, but the rights and guarantees enjoyed by the white population were denied to them. Chile regarded such arbitrary discrimination as contrary to the principles of justice and morality. It wished to see those principles applied by all States and it therefore appealed to the Republic of South Africa to show a good example to the world and to join with India and Pakistan in seeking a formula for a peaceful and equitable solution.

19. The Chilean delegation would vote in favour of the draft resolution (A/SPC/L.76 and Add.1 and 2).

20. Mr. MOHAMMAD RIAD (United Arab Republic) said that the item under discussion was merely another form of the South African Government's policy of racial discrimination. Such exploitation of one racial group by another on the grounds of supposed racial superiority was a thing of the past and not in keeping with the contemporary spirit of equal rights. South Africa's defiance of the United Nations and its Government's negative attitude towards the resolutions adopted by the General Assembly was fraught with dangerous consequences. The people of Africa were aware that there should be equal rights for all in South Africa, including South Africans of Indian and Indo-Pakistan origin. It was not in the Republic's own interest to continue to refuse to cooperate with the United Nations, which was the hope and refuge of all small countries, and the South African Foreign Minister had described the Republic of South Africa as a small country. If South Africa had agreed to enter into negotiations in accordance with the desire so often expressed by the United Nations, the problem would not have its present dimensions. South Africa, however, had rejected all invitations to negotiate, sometimes not even acknowledging them. The Governments of India and Pakistan had done their best to facilitate negotiations, even to the extent of

^{1/} Official Records of the General Assembly, Fifteenth Session (Part I), Special Political Committee, 228th meeting.

stating that any such conversations would be without prejudice to the participants' respective positions in regard to Article 2, paragraph 7, of the Charter. Nevertheless, the South African Government continued to be adamant.

21. The United Nations could not remain passive when it was confronted by South Africa's segregation of half a million people of Indian and Indo-Pakistan origin. South Africa could not claim to be fulfilling the provisions of the Charter and of the Universal Declaration of Human Rights when so large a part of its population was denied its basic right to the same conditions as those enjoyed by white South Africans. Moreover, South Africa had not lived up to its international agreements with the Government of India. The United Nations should put an end to discrimination against the non-white population of South Africa, including people of Indian and Indo-Pakistan origin, and see that they enjoyed all the rights set forth in the Charter. The delegation of the United Arab Republic would support the draft resolution (A/SPC/L.76 and Add.1 and 2), but it believed that the General Assembly might well take more decisive and effective action in regard to a State which had so consistently ignored its warnings.

22. Mr. CHATTI (Tunisia) considered that the discussion was only a continuation of the previous debate on the South African Government's policies of "apartheid". The treatment of people of Indian and Indo-Pakistan origin in the Republic of South Africa was a separate item on the agenda, because of the international agreements entered into by the United Kingdom on behalf of South Africa in 1857 and by South Africa in 1927, undertaking to promote the development of people of such origin who wished to stay in South Africa. The basic doctrine of the South African Government was white supremacy and consequent racial segregation. Although the item under discussion had been on the Assembly's agenda for fourteen years, all its efforts to obtain equal rights for the people of Indian and Indo-Pakistan origin had met with the same failure as its action in regard to "apartheid", and the situation had deteriorated persistently.

23. The Governments of India and Pakistan had shown extraordinary patience and moderation. Their attitude was similar to that which they had displayed in regard to "apartheid", where the African States had called for a much firmer line. Tunisia regarded the resolution that had finally been adopted on that question (1663 (XVI)) as too moderate altogether and as a step backwards. It believed that South Africa would regard such moderation on "apartheid" and on the item under discussion as a proof of weakness and would yield more readily to more decisive action. Although General Assembly resolution 1597 (XV) had been adopted unanimously, with only two abstentions, it had remained a dead-letter like the Assembly's previous resolutions on the subject. South Africa had not even replied to the approaches of the Governments of India and Pakistan. The draft resolution (A/SPC/L.76 and Add.1 and 2) was only a copy of resolution 1597 (XV), and the Tunisian delegation was very sceptical of its effect. Tunisia was a staunch advocate of non-violence and of the peaceful settlement of disputes but it would not reject force, if force was needed to ensure respect for justice. Nevertheless, it would vote in favour of the fifteen-Power draft resolution because, although sceptical of its effect on the South African Government, it would give

those countries which still hoped that South Africa would see reason a further opportunity to realize that the time had come for a decisive change and for the adoption of more concrete and energetic measures.

24. Mr. KIZIA (Ukrainian Soviet Socialist Republic) said that the failure of the United Nations efforts over the last fourteen years to find a remedy for the treatment of people of Indian and Indo-Pakistan origin in South Africa was due solely to the intransigent attitude of the South African Government. The situation arose out of the South African Government's policy of racial discrimination and persecution, whereby half a million people of Indian and Indo-Pakistan origin were denied full citizenship and subjected to innumerable restrictions in their political and economic rights. The entire domestic and foreign policy of the fascist leadership of South Africa revolved around racism.

25. The Ukrainian delegation had stated its position on "apartheid", that shameful offspring of colonialism, in the general debate (270th meeting), but it wished again to state its irreconcilable opposition, as a socialist country, to every manifestation of national hostility and racial discrimination in Africa and elsewhere. Socialism and national and racial inequality were incompatible. The USSR had successfully carried out the first task of socialism, which was the full and final elimination of racial or national oppression. In the socialist world, mutual good relations were the normal rule of political life and morality. Before the October Revolution, the Ukrainian Soviet Socialist Republic had been a semi-colonial oppressed country. After the revolution, it had become an independent State and had made tremendous economic and cultural strides. The friendship of all the Soviet peoples was a major achievement of socialism and a guarantee of future progress. That friendship had enabled the Ukraine to defend its freedom in the fight against fascism and to rebuild later its devastated economy and press forward in every branch of culture, science and technology.

26. The Ukrainian Constitution provided that any attempt to violate the principle of full equality for all, despite racial or national origin, or to engage in racist propaganda was a crime under the ordinary law of the country and subject to severe punishment.

27. South Africa's claim that the United Nations was not competent to discuss the treatment of people of Indian and Indo-Pakistan origin in the Republic of South Africa was clearly hypocritical. The debate on "apartheid" had shown that the Government of South Africa intended to pursue its criminal policy, and it was therefore essential that the question under discussion should receive close examination and that decisive steps should be taken to end the restrictions to which the people of Indian and Indo-Pakistan origin were subjected. The Ukrainian SSR, because of its fundamental policy of opposition to racism and colonialism in all its forms, would have preferred a resolution containing not merely an appeal to South Africa but decisive measures to end the discrimination under discussion. Yet, since the co-sponsors of the draft resolution (A/SPC/L.76 and Add.1 and 2) had seen fit to introduce the draft resolution in that particular form, the Ukrainian delegation would support it.

28. Mrs. QUAN (Guatemala) said that the fact that the item under consideration had been before the General Assembly for fourteen years did not deprive

it of its importance or timeliness, for in situations where human rights were violated the international community could not abandon its efforts until the exercise of those rights had been assured. Her delegation was therefore vigorously opposed to the policy of "apartheid" pursued by the Government of South Africa, which denied the exercise of their rights to the great majority of the country's inhabitants, including those of Indian and Indo-Pakistan origin. The attitude of India and Pakistan in repeatedly offering to enter into negotiations with South Africa was praiseworthy and offered the latter an opportunity to adopt a new course of action which would enable it to meet its obligations as a Member of the United Nations and to promote rather than hamper its own economic, social and cultural development. For those reasons, her delegation would support the draft resolution in document A/SPC/L.76 and Add.1 and 2.

29. Mr. DAOUDY (Syria) observed that a glance at operative paragraph 1 of General Assembly resolution 44 (I) would show the importance which the United Nations had from the beginning attributed to the item under consideration. That resolution had been adopted shortly after the end of the most terrible war in history, a war provoked by the theories of racism. It stated in paragraph 2 that the treatment of Indians in the Union should be in conformity with international obligations under the agreements concluded between the Governments of India and South Africa and the relevant provisions of the United Nations Charter. The Assembly had concluded at the time that the Union Government's treatment of the Asian minority in South Africa violated the provisions of the Cape Town Agreement of 1927. If that was the case in respect of an international agreement, it was hardly surprising that the Union Government had also disregarded the provisions of the Smuts-Gandhi Agreement of 1914, since in signing that Agreement Gandhi had not been acting as the representative of a Government. Gandhi had since come to be regarded as the father of the Indian nation and the South Africans were proud of Smuts' role in the conduct of the Second World War, the founding of the United Nations and the drafting of the Charter, yet the South African Government had persistently treated both those agreements as mere scraps of paper and clearly had

not the slightest intention of carrying them out. On the contrary, its course of action since the United Nations had first condemned its racist policies, had been to intensify them through such measures as the adoption of the Group Areas Act of 1950, which condemned the non-European population of South Africa to virtual slavery.

30. The Assembly in its first resolution on the subject (44 (I)) had expressed apprehension that unless a satisfactory settlement was reached relations between India and South Africa would be further impaired; that apprehension had been more than justified, for by now the South African Government had antagonized almost all the countries of the world by its brazen pursuit of the policy of "apartheid". The Committee's debate on "apartheid" at the current session showed that the United Nations was beginning to lose patience with the South African Government. The Indian and Pakistan Governments, however, were still willing to enter into negotiations and that course still offered the best means of escaping from the existing impasse. To enter into such negotiations would in no way compromise South Africa's sovereignty, since the Governments of India and Pakistan had made it clear that they were asking no special privileges for the Asian minority in South Africa and that the negotiations would be without prejudice to the juridical stands taken by the respective Governments. Some of the States which had been least willing to condemn South Africa in the past were now beginning to change their position. The South African Government would be wise to study the records of the debates held during the present session on all the items relating to it and to realize what they meant. Otherwise it would be very difficult for other Members to continue tolerating its presence in the United Nations.

31. If certain delegations had failed to vote in favour of the thirty-one Power draft resolution (A/SPC/L.71 and Corr.1 and Add.1-6) history might well record in the future that the United Nations had disintegrated because of the selfish attitude of Powers which had placed their own interests above those of the world community.

The meeting rose at 12.35 p.m.