

CANADIAN DELEGATION TO THE UNITED NATIONS GENERAL ASSEMBLY
(FIFTEENTH SESSION)

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Statement on Apartheid by Mr. Arthur
Smith, M.P., Canadian Representative
on the Special Political Committee,
April 5, 1961

Mr. Chairman:

Canada, as a sister nation of the Commonwealth, has had a long and close association with South Africa. It is an association which was cemented by joint effort and sacrifice of our peoples in two world wars - such ties, Mr. Chairman, are not forgotten or severed by the fact that we are compelled to speak out in protest against the unnatural policy of apartheid followed in recent years by the Union Government.

The Canadian Delegation has participated in previous discussions of this item often enough to make very clear our position on the question of racial discrimination. We have no sympathy with policies of this sort, wherever they may be practised, and consider them contrary to the letter and the spirit of the Charter, contrary to the spirit of our times. The Canadian record of opposition to racial discrimination is clear and consistent. This position was reaffirmed recently by our Prime Minister during the Commonwealth Prime Ministers' meeting in London. Mr. Diefenbaker has reported to the Canadian Parliament on his stand in London, and I quote the following brief excerpt:

"Speaking for Canada ... I pointed out that we were opposed to racial discrimination and made it clear that I could not approve any formula or solution which did not maintain beyond any doubt that non-discrimination

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The Conference of the United States and the Canadian Parliaments, held at Ottawa, Canada, from August 11 to 15, 1947, was a significant event in the history of North American relations. It was the first time that the two nations had met in such a formal and comprehensive manner since the end of the Second World War. The conference was organized by the Canadian Government and the United States Government, and it was attended by representatives from both countries. The main purpose of the conference was to discuss the future of the Western Hemisphere and to establish a framework for cooperation between the United States and Canada. The conference was held in a spirit of goodwill and mutual respect, and it was a success in many ways. It resulted in the signing of the Ottawa Declaration, which set out the principles of cooperation between the two nations. The conference also led to the establishment of the Canada-U.S. Commission on International Law, which was charged with the task of studying and reporting on the state of international law in the Western Hemisphere. The conference was a landmark event in the history of North American relations, and it laid the foundation for the close cooperation and partnership that has since developed between the United States and Canada.

in respect of race and colour is an essential principle of Commonwealth association."

As an illustration of Canadian concern for the rights and opportunities of indigenous people, the present Government of Canada has extended the franchise to all people of North American Indian origin. Canadian Indians now enjoy the rights and privileges of citizenship to the same degree as all other Canadians and there is nothing to prevent members of this or any other race from sitting as members of either House of the Canadian Parliament. Indeed, in 1958, the first Canadian Indian was appointed as a member of the Canadian Senate.

As a further protection for the rights of the indigenous population as well as for all other citizens, the Canadian Parliament recently enacted a Bill of Rights which, inter alia, reinforces the common law safeguards against any form of racial or religious discrimination.

Canada is itself a multi-racial state to some degree therefore, although we have had some problems of racial discrimination to solve in our own country, we can appreciate the difficulties which have troubled many lands. As the distinguished delegate from Afghanistan so usefully reminded us during the debate on the previous item, racial discrimination and denial of fundamental rights has not been confined to people of any one nation or continent, but is a tragically widespread phenomenon. However, we are convinced that the problems of a multi-racial society, whatever complications may exist, can never be solved by policies and practices which are based on the idea of racial superiority of one group of that society over another.

As Prime Minister Diefenbaker has said, apartheid has become the world's symbol of discrimination. While none of us, I humbly submit, ought to pretend that we are without fault or

In respect of race and colour as an essential principle
of common law, the position is as follows:
As a result of the decision in *Edwards v. Canada*, the rights
and obligations of individuals are not affected by the fact
of their race, colour, or national origin. It is the duty of the
Government to ensure that all individuals are treated equally
before the law. This principle is enshrined in the Charter of
Rights and Freedoms, which states that every individual has the
right to equal treatment and protection of the law without
distinction as to race, colour, or national origin.
The Canadian Parliament, in 1952, passed the *Indian Act*,
which was applied to the members of the Canadian people.
As a result of this Act, the rights of the Indians
population are not equal to those of other citizens. The
Parliament recently passed a bill of rights which, in
relation to the Indian population, is a step towards
equality of rights and obligations.
Canada's racial and ethnic diversity is one of its
strengths. It is a reflection of the country's long
history of immigration. The different ethnic groups
have contributed to the development of the country and
its culture. It is the duty of the Government to
ensure that all individuals are treated equally before
the law. This principle is enshrined in the Charter of
Rights and Freedoms, which states that every individual
has the right to equal treatment and protection of the
law without distinction as to race, colour, or national
origin. However, in the past, the Government has
not always lived up to this principle. The *Indian Act*
is a prime example of this. It has created a separate
legal system for the Indians, which has led to
discrimination and inequality. The Government must
take steps to ensure that all individuals are treated
equally before the law. This is a fundamental
principle of justice and fairness. It is the duty of
the Government to ensure that this principle is
fully respected and that all individuals are
treated equally before the law.

stain, nevertheless, any acts of discrimination that take place are not the consequence of policy or design. We do not elevate these lapses to the status of government policy or regulate our societies along these lines. It is this technique which is to us so profoundly abhorrent. We remember and deplore the tragic situation which last year gave rise to violence and loss of life at Sharpeville and Langa. What has happened is that the Government of the Union of South Africa, for a variety of motives, has been trying for the last twelve years to apply an unworkable philosophy embodied in a policy - with results that are positively unjust and harmful to large segments of the South African population and which, in our estimation, can only lead to catastrophe.

In considering the resolution co-sponsored by 25 African nations which is before us, the General Assembly cannot ignore Article 2(7) of the Charter which says: "Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state." The Canadian view has always been that this Article does not prevent discussion of domestic subjects or prevent the Assembly from expressing opinions, but that it does not permit the Assembly to call for specific action (other, in this case, than appeals to the South African Government for action).

A resolution calling for sanctions would be harmful because it might force South Africa out of the United Nations and thus cut the only channel of communication now left between South Africa and the international community. It is difficult to see how anything can be accomplished by driving the Union into complete isolation: the Union is already too isolated from the changing ideas and conditions in the modern world. Moreover, if every country in the world refused to trade with every other nation whose domestic policies were repugnant to it, the

The following information was obtained from the records of the Department of the Interior, Bureau of Land Management, regarding the land owned by the United States in the State of California. The land is located in the County of [County Name], and is situated in the [Township Name] Township, [Range Name] Range, [Section Name] Section. The land is described as follows: [Detailed description of the land, including acreage, boundaries, and any other relevant information]. The land is owned by the United States and is being offered for sale to the highest bidder. The sale will take place on [Date] at [Time] in the [Location]. The minimum bid is \$[Amount]. The land is being offered for sale in accordance with the provisions of the [Act Name].

international economic scheme would be very distorted indeed. Indeed, it would do a disservice to peaceful international relations by limiting the opportunities for the healthy interchange of goods, ideas and people which is the best hope for breaking down barriers of ignorance and prejudice.

Perhaps the most important argument against a resolution on sanctions is that it would run counter to the Charter principle that sanctions are intended solely for the purpose of preventing or stopping international hostilities. It would be a dangerous step to accept without the most serious consideration that the Assembly has the competence to call for sanctions in this situation. The distinguished delegate of Ireland made a very important point the other day when he said that punitive actions need to be scrutinized carefully and in detail before being undertaken, and this would be impossible at this session.

No one in the Assembly would deny that the South African problem is extremely difficult and complex and that it could not reasonably be hoped that a policy developed and intensified over a number of years could be eliminated overnight. Surely what the Assembly is trying to do is to impress on the Union Government that world opinion desires that the direction of their policy be reversed.

My Delegation thinks that it is opportune now, with the collaboration of many new member states from Africa, to take a very honest look at what our aim is, in any resolution which may come before this Committee. It is our view that the important consideration is not whether any action by this Committee or by the Assembly would relieve the feelings of member states, but rather what practical effect it might have in South Africa itself. We think that the resolution co-sponsored by India, Malaya and Ceylon meets the need of the moment, and we intend to support it with the express reservation that operative paragraph 3

does not, in our opinion, condone the use of force (or punitive measures) by member states. This resolution does not contain the objectionable features of the 25-Power resolution. It does make abundantly clear, however, the Assembly's abhorrence of and concern over South Africa's racial policies, and yet it does so in sufficiently moderate terms to be capable of attracting a broad measure of support and thus bring home to the Union how widespread is the international feeling on this question.

(a) The first part of the report, which is the most important, is devoted to a description of the general situation in the country. It is a very interesting and well-written account of the country and its people. The author has done a great deal of research and has gathered a wealth of material. The report is a valuable contribution to the knowledge of the country and its people.

