

External Affairs Supplementary Paper No. 53/38

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

Text of statement made on October 27, 1953, by the Canadian Representative in the Ad Hoc Committee of the eighth session of the United Nations General Assembly, Mr. G.B. Summers. Agenda Item 20

The various aspects of the matter now before this Committee have been ably, eloquently, and fully discussed by the distinguished representatives of various countries who have taken part in this debate. It is not my intention, therefore, to do more than state briefly the position of the Canadian delegation in respect of the resolution before us.

NOTE:

Let me say at the outset that there need be no doubt whatsoever as to Canada's position with relation to racial discrimination. We fully and wholeheartedly support universal respect for the observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language, or religion. This is the goal laid down for us in the Charter to which we have subscribed, as have all of us around this table.

We must indeed be gravely concerned at serious allegations that human values are disregarded anywhere in the world.

On the question of domestic jurisdiction, I would repeat the position which has been taken by the Canadian representative on a previous occasion when this matter was discussed in the Assembly. We are in agreement with those delegations which consider that the domestic jurisdiction clause should not be given an interpretation which would be so restrictive as to render meaningless or insignificant other important provisions of the Charter. The right of this Assembly to discuss and make recommendations for the peaceful adjustment of any situation regardless of origin which it deems likely to impair the general welfare or friendly relations among nations is of the utmost importance.

In giving fullest support to all provisions of the Charter, we cannot, however, ignore those provisions which specifically exclude intervention in matters which are essentially of domestic jurisdiction. Widely differing views are held as to the effect of Article 2(7). We, on our part, have indicated grave doubt on previous occasions as to whether resolutions of this kind are within the competence of the United Nations. We are doubtful also as to the value of passing a resolution such as the one before

us which, in the light of what has been said here, shows little chance of being implemented. In view of these considerations, the Canadian delegation will abstain on the resolution before the Committee as a whole and in its various parts.

My delegation believes it is important that satisfactory progress be made toward settlement of this unhappy dispute. At the same time, the lengthy history of the dispute would appear to indicate that direct discussions may now offer the only possibility of such progress being made. The United Nations, of course, could assist the parties to get together for direct discussions should they desire such assistance. We recognize that the gap is wide between the positions hitherto taken by the parties, and they appear at present to hold very different views as to the basis on which negotiations might take place. It is nevertheless our earnest hope that the parties may be able to agree on a basis for direct negotiations and that, in a spirit of goodwill and in the spirit of the Charter, a solution may ultimately be found.

NOTE:

On October 28, 1953 the Ad Hoc Committee adopted the following resolution on Agenda Item 20 - Treatment of People of Indian Origin in the Union of South Africa. The resolution as a whole was adopted by a vote of 38 in favour, 2 against and 19 abstentions (including Canada).

"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 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 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 21 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 South African Government

(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;

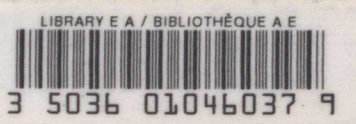
6. CONSIDERS that these actions of the Union Government are not in keeping with its obligations and responsibilities under the Charter of the United Nations;

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 the extent of progress achieved together with its own problems and any proposals which in its opinion may lead to a peaceful settlement of it.

9. AGAIN CALLS upon the Government of South Africa to refrain from implementing the provisions of the Group Areas Act;

10. DECIDES to include this item on the provisional agenda of its ninth regular session."



3. ALSO RECALLS that resolutions 395 (V), 511 (VI) and 515 (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/5478), 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 South African Government

(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;

(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 Union Government are not in keeping with its obligations and responsibilities under the Charter of the United Nations;