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South Africa

9 Nov. 1955

Plessis, Wentzel S. du (Perun. Represent. of the
Union of S. Africa to the U.N.)

- 1 letter from D. H.
- 1 letter to J. Maza, President of the Gen. Assembly
- 1 statement by W. Plessis to the Ad Hoc Political
Committee.

9 November 1955

Sir,

I regret to be informed by you today that your Government has felt called upon to withdraw its delegation from the General Assembly and its Permanent Representative from the United Nations for the remainder of the current session of the Assembly because of the vote in the Ad Hoc Political Committee today.

I deeply appreciate the relations that we have had with you and your Délegation in the past and I hope to avail myself of opportunities to continue contacts with you and your Government.

Accept, Sir, the assurances of my highest consideration.

Dag Hammarskjöld,
Secretary-General

His Excellency,
Mr. Wentzel C. du Plessis,
Permanent Representative of the Union of
South Africa to the United Nations,
655 Madison Avenue, 15th Floor,
New York 21, N.Y.

AWC:dg

Ref. 12/12.

9th November, 1955.

Your Excellency,

Pursuant to the statement I made today in the Ad Hoc Political Committee, I have the honour to inform you that the South African Delegation to the General Assembly has, on the instructions of my Government, been recalled for the remainder of the current session of the Assembly.

This step has been taken in the light of today's voting in the Ad Hoc Political Committee. The reasons why my Government, much to its regret, has been impelled to take this action are outlined in my statement to the Ad Hoc Political Committee, a copy of which I enclose for your information.

In taking my leave, may I express to you my appreciation of the courtesy which you, Sir, and the other office holders in the Tenth General Assembly have at all times extended towards my Delegation.

Please accept, Your Excellency, the assurances of my highest consideration.

PERMANENT REPRESENTATIVE.

His Excellency Sr. José Maza,
President of the General Assembly,
United Nations,
NEW YORK 17, N.Y.

Mr. Chairman,

We now have before us the resolution finally adopted by this Committee on "The Question of Race Relations in the Union of South Africa". It is a resolution sponsored by Afghanistan, Bolivia, Burma, Egypt, Ethiopia, Haiti, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Pakistan, Philippines, Saudi Arabia, Syria and Yemen, and adopted by a majority of 37 votes to 7 votes with 13 abstentions.

The Delegation of the Union of South Africa naturally did not and could not vote in favour of the resolution for the reason that, once again, the adoption of a resolution on a matter which falls essentially within the domestic jurisdiction of my country can, for us, only have one meaning and that is that, once again, the provisions of the Charter as contained in Article 2(7) have been contravened and that our rights, as a member state have been denied to us.

Mr. Chairman, South Africa's position in relation to this article of the Charter has never been an ambiguous one. Through all these difficult years - practically since the inception of the

United Nations - South Africa has stood firm in what she, also today, sincerely believes that article to mean. What we believe that article to mean is what the Founders of this Organisation said it meant. And it is on that particular understanding of the meaning and scope of the article that we signed the Charter and became members of this Organisation. At the recent commemorative session at San Francisco South Africa's Minister of External Affairs made it clear that to his mind South Africa would not have signed the Charter nor would the South African Parliament have approved of membership on any other basis.

We know that, since 1946, many resolutions have been passed, not only on South Africa's domestic affairs but also on those of other countries, which sought to give an interpretation to this article at variance with what the Founders intended it to be and with a clear intention to arrogate to the Assembly the right to intervene in matters which fall essentially within the domestic jurisdiction of a member-state.

The South African Delegation has consistently opposed such claims, and such attempts, each time they were made. In 1949 and again recently, at the San Francisco session, the South

African Minister of External Affairs thoroughly examined and clearly re-stated the case for the overriding importance of Article 2(7) and against the attempts which the General Assembly had made, and in which this Committee has today persisted, to make the article subservient to other provisions of the Charter and more especially to the provisions relating to human rights, as embodied in Article 55. On both occasions he provided the necessary proof that the Founders of the United Nations in 1945 had expressly stipulated that Article 55 would not permit such interference and he recalled that the Committee concerned had decided to include in the records an interpretative statement concerning the meaning of Article 55, in the following words:

"The members of Committee 3 of Commission 2 are in full agreement that nothing contained in Chapter 9 can be construed as giving authority to the Organisation to interfere in the domestic affairs of member-states".

This interpretation was later accepted by the conference in Plenary session.

We have nothing to add to what has been so often and so clearly stated. Nothing that has been said, also in this debate,

by those who wish to detract from the overriding quality of Article 2(7) has caused my delegation to consider that there is any validity in the claims or arguments which they have advanced. The authority of chance majorities and the building up of spurious case law, not on legal grounds but mainly on the basis of political expediency and sentiment cannot, in my delegation's opinion, emasculate the conditions under which membership was originally accepted. South Africa has therefore not found any reason, on this legal aspect, to vary in any respect the position which she has always maintained. As I have said in my initial statement to this Committee, our position remains unchanged, our arguments still stand and they are still valid. We have therefore cast our vote accordingly.

However, Mr. Chairman, 37 States have voted differently and have expressed their approval of the terms of a resolution which will have the effect that a recommendation will be made to the General Assembly, in plenary session, once more to intervene in a matter which falls essentially within the domestic jurisdiction of my country. In the plenary this recommendation by the Committee will require a two-thirds majority in order to be passed.

My delegation has not participated in the general debate on the report of the Santa Cruz Commission for the reasons conveyed to the Committee in my statement of October 24th.

It has come to my attention that some members of the Committee and more specifically the distinguished delegate of India, have expressed the hope that my delegation would return to the Committee, not only to cast its vote but, and I quote from the speech of the Indian delegate: "that they will also choose to exercise their right of reply to points that may have been raised in the debate, if not also to the comments made by the Commission. It goes without saying that we would be interested in their reply".

Sir, it is not my intention or desire, even if you would have been so kind as to allow it, to reply to the speeches which have been made by various delegations. In our view this matter does not concern the United Nations and our stand on the legal issues involved does not permit us to enter directly into the merits or demerits of the report nor to go into any detailed examination of the statements made by delegations. Since we take our stand on the juridical position and therefore refuse to discuss substance, our attitude has been, and I have no doubt still is,

interpreted by many to mean that we have no case, or at least not a good case, to put forward on this specific question. In this matter, Sir, let me say that nothing would have given me greater pleasure, if the circumstances had permitted it, than to have enlightened my colleagues on what apartheid means, on the philosophy underlying this policy and on what it hopes to achieve. But, Mr. Chairman, this I cannot do - at least not here - for the reasons which I have explained. But I do want to say this now. That notwithstanding the difficulties inherent in South Africa's problems and the possible mistakes flowing forth from the frailties of human nature, what we sincerely hope will be achieved in the end will be to help the Bantu to be a people with pride in themselves, in their heritage, in their own way of life and all that that means for them - and for that matter for anybody else - a people who will face the complexities of the new age with confidence and with a sense of responsibility towards themselves

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and towards the larger community of which they form a part.

By following this traditional policy and by harmonising and balancing the interests of all racial groups, within the framework of this policy, we in South Africa hope to live in peace together.

Notwithstanding all the condemnatory speeches which have been made in this Organisation over the years, my Government and my people are not afraid of the verdict of history and much that we now do, and for which we alone pay the bill, will in the fulness of time ~~xxxxxxv xxxvfvxv xxxvfvxv xxxvfvxv xxxvfvxv xxxvfvxv xxxvfvxv xxxvfvxv~~ be acknowledged as a positive contribution by a world seeking a reply to the problem of peaceful and practical co-existence.

The Indian delegate has invited me to speak my mind on the tenor of the debate. As I have said, I am not going to do this. However I do want to say to him that his delegation has, practically from the inception of the United Nations, pursued a vendetta against the Union of South Africa which has again found expression in the speech which he has made in this Committee and in the resolution which has been adopted - a resolution which has been sponsored by many countries of the Arab-Asian bloc, but in the formulation of which we have no doubt, India played the leading role. We shall leave the Indian delegation to their own preoccupations but I hope they will rid themselves of any notion that the Bantu of South Africa regard them as the liberators of

Africa and as the friends and protectors of Bantu aspirations. Such a notion would be ill conceived and dangerous as well as unrealistic.

To the delegate of Pakistan I would say that I regret sincerely the speech which he has made, both in its tone and content. Not only my delegation but I am sure the majority of Pakistanis and people of Pakistani origin in South Africa will not appreciate either what he said or how he said it. He certainly rendered no service to the good relations existing between our respective Governments.

And now, Sir, I come to the end. As I have said both in the general debate and in this Committee, South Africa has for many years exercised patience and restraint and replied with courtesy and forbearance to the attacks which have been launched against her. But these attacks, Mr. Chairman, hold in themselves an element which is extremely dangerous and which must be guarded against, namely, that of incitement tending to upset order, law and good government. That is what this kind of intervention, in contravention of Article 2(7) eventually means. By adopting this

resolution, this Committee has lent its authority to a measure which can do no good but certainly can do incalculable harm. If anybody suffers as a result of such incitement, it will not be the members of this Committee who voted in favour of this resolution but innocent people far away, who are being used as pawns in a manner which we not only regard as unwarranted but even as reckless. It may be said - and undoubtedly will be said - that in order to be clothed with the authority of the United Nations, this recommendation will have to be accepted by the Assembly in plenary session where the two-thirds majority rule will apply. It may be - or it may not be - that the resolution will be defeated but that, Sir, will only change the situation in a technical sense. What the majority of member states of the United Nations Organisation feels is embodied in this resolution and has secured the approval of delegations. This means that a majority of the total membership of the United Nations Organisation continues to feel that this flagrant intervention in South Africa's domestic affairs is justified.

My Government is no longer prepared to accept this position or to acquiesce in it.

Many leaders of South African delegations over the past nine years have warned against the results of continued intervention in our domestic affairs - or for that matter, the domestic affairs of any other member state. As far back as 1946 Field Marshal Smuts in speaking on the Indian complaint said this and I quote:

"This matter - the question of UNO's right to intervene in the domestic affairs of a member state - is one that is vital to the whole concept of the United Nations Organisation, and if ignored or wrongly decided, may well threaten the Organisation itself apart from the repercussions that may and probably would result in the countries of every one of us. It is my earnest submission to you, said Field Marshal Smuts, that it is not merely a question affecting Indians in South Africa, or the immediate relations between the Government of India and the Union of South Africa, important as they are. It is a question which transcends our momentary differences and affects the functions of all Governments, if not indeed the very future of this Organisation, and ultimately, the prospects of peace in the world". He continued: "The way in which this issue is solved will not merely have its own repercussion for the Union of South Africa today. Other states, great or small,

may be faced with it tomorrow and may, if it is to be answered in favour of the jurisdiction of the United Nations Organisation, find their position in this Organisation impossible and intolerable. Every state has its internal conflicts and policies in which it cannot subordinate its own decision to that of an international organisation."

What Field Marshal Smuts said then in relation to the Indian complaint is true of the matter now under discussion, as it is true of any matter which infringes the sovereignty of any member state.

My delegation can only hope that in a matter of such vital concern to the future of the United Nations, all those who have the well being of this world organisation at heart will prevail on others to pause and to reflect soberly on the course which is being followed. To think of the principle of universality while already two old members - both belonging to that small group which responded when the United Nations called for concerted United Nations action in Korea - find their positions in the United Nations being made untenable for them, is a reflection which does not require elaboration.

In summing up the position of my Government, I have been instructed to inform the Committee that the Union Government regard in a most serious light the enquiry into the legislation of the Union which resulted from previous resolutions and which will now no doubt continue. The Government considers that such enquiry constitutes the most flagrant of all examples of transgression of Article 2(7) of the Charter, which no self respecting sovereign state can tolerate. Patience has been exercised in the hope that wiser counsels would prevail but that hope has not been realised. As I have stated, South Africa is no longer prepared to accept this position. After very serious consideration my Government have accordingly decided to recall the South African Delegation and also the Permanent Representative to the United Nations from the present session. The President and the Secretary-General will be so informed.

I thank you, Mr. Chairman, and also my colleagues in this Committee for your courtesy in allowing me to make this statement.