

## **The "hardy annual": A History of India's First UN Resolution**

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### **Abstract**

This article traces the history of India's first resolution at the United Nations (UN). Introduced in 1946, 'Treatment of Indians in the Union of South Africa' became an annual item on the UN agenda until 1962, when it was merged with another India-sponsored item on 'apartheid'. For seventeen years, in a fast polarizing world, Indian diplomats used this item to strategically galvanize global opinion against racism. Against all odds, Indian representatives utilized every diplomatic means available to keep the 'hardy annual' alive. A thick, archival biography of this item also allows us to interrogate India's diplomatic practice in the Nehru years.

**Keywords:** 'Treatment of Indians', Indian diplomacy, South Africa, anti-racism, apartheid

### **Introduction**

On 22 October 1946, the South African Prime Minister, Jan Smuts, arrived in New York to attend the second half of the first session of the United Nations (UN) General Assembly. Hailed as the "doyen" of the San Francisco Conference in 1945 that established the UN, Smuts's singular contribution to the UN Charter was the insertion of 'human rights' into the preamble.<sup>1</sup> As the only surviving statesman from the Paris Peace Conference, Smuts stormed into New York as the "counsellor of nations."<sup>2</sup> His departure, a month and a half

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<sup>1</sup> Jannie C. Smuts, *Jan Christian Smuts* (Cape Town: Cassel and Company, 1952), p. 472; Saul Dubow, "Smuts, the United Nations and the Rhetoric of Race and Rights," *Journal of Contemporary History*, Vol. 41, No. 1 (2008), pp: 43-72.

<sup>2</sup> Les de Villiers, *South Africa drawn in Colour: The Smuts Years, 1945-46* (Sandton: Gordon Publishing, 1980), p. 80.

later, was terrifyingly dissimilar. He left New York a dejected man; "overnight, the honor, the power and the glory, all [had] vanished," noted a sympathetic biographer.<sup>3</sup> A journalist painted Smuts's last days in the assembly of the world – to which he was never to return – thus:

Hands together, the right ceaselessly caressing the left, and slowly moving up and down rather protruding knuckles. Every now and then, when a nasty blow came, a flesh of air crept up the fair brow to disappear in his hair. The head flung back, eyes fixed far away in the blue ... his thoughts possibly navigating – as he quietly sat and thought – the limitless sea of speculation on Holism.<sup>4</sup>

The tragedy that befell Smuts's international swan-song was an Indian delegation led by Vijaya Lakshmi Pandit. Pandit's delegation had carried out a remarkable feat of securing a resolution on the 'Treatment of People of Indian Origin in the Union of South Africa' (henceforth shortened to 'treatment of Indians') by a two-third majority against South Africa. In the process, the Indian delegation had masterfully used Smuts against himself, as he sardonically acknowledged: "I am suspected of being a hypocrite because I can be quoted on both sides."<sup>5</sup> The crusader for human rights, noted the South African author and liberal politician Alan Paton, had been reduced to "only the leader of a small white aristocracy seeking to cling to its privileges in a changing world."<sup>6</sup>

Smuts's humiliation aside, the 1946 Resolution held enormous global significance. A South African newspaper was quick to underscore that it was "the first success gained by East over West, by non-European over European in the international sphere".<sup>7</sup> Furthermore, India had raised racism to an issue of world politics even though, in the Resolution itself, 'racial discrimination' was not mentioned.

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<sup>3</sup> de Villiers, *South Africa drawn in Colour*, p. 80.

<sup>4</sup> Arthur Barlow, *That We may Tread Safely* (Cape Town: Tafelburg, 1960), p. 125.

<sup>5</sup> Keith W. Hancock, *Smuts: The Fields of Force, 1919-1950* (Cambridge: Cambridge University Press, 1968), p. 450.

<sup>6</sup> Alan Paton quoted in de Villiers, *South Africa drawn in Colour*, p. 135.

<sup>7</sup> The Passive Resister, "S.A. European Press Comments," *The Passive Resister (Johannesburg)*, 20 December 1946, p. 4.

This was a stupendous start to India's campaign against racism, but things only became more difficult thereafter. As the Cold War intensified and bloc-loyalties counted for more than other issues, India repeatedly introduced the 'treatment of Indians' item which soon became a "hardy annual" at the UN.<sup>8</sup> Year after year until 1962, India, along with (a dilly-dallying) Pakistan, fought to keep this item on the agenda of the UN General Assembly.

Despite actively denouncing racism, especially since the Second World War was considered a just war against Nazi racism,<sup>9</sup> in the 1950s most Western countries supported apartheid South Africa, either tacitly or overtly, at the UN.<sup>10</sup> Only in the aftermath of the Sharpeville Massacre in March 1960 did international opinion turn squarely against South Africa. Prior to this, it was only through the annual items sponsored by India, supported by an increasing number of decolonizing countries, that racism was kept alive as an international issue of concern.

In India's diplomatic history, the item 'treatment of Indians' holds particular importance. This was the first file Nehru signed after coming to office in September 1946, and the first issue India ever took to the UN. As already noted, it was also India's inaugural diplomatic success on the world stage. However, there is no definitive history of this important item. While the 1946 Resolution has received some scholarly attention,<sup>11</sup> the item 'treatment of Indians' appeared on the UN roster until 1961 as an independent item,

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<sup>8</sup> South African diplomats referred to this issue as a hardy annual. See, for instance, Department of Foreign Affairs (DFA), "Outgoing Cable, Safdel, New York, to Prime Sec, Pretoria, August 18, 1952," SAB (Sentrale argiefbewaarplek), BVV, Vol. 5, Ref. 10/2, Part II, National Archives of South Africa, Pretoria (henceforth, NASA).

<sup>9</sup> None other than Jan Smuts said at the beginning of the Second World War: "If this war means anything at all it means surely this: that civilisation is determined to uphold, and will uphold, the principle that racial domination, racial exclusiveness and top-dogism are in conflict with the whole trend of human progress and enlightenment." See, Jan Smuts, *Plans for a Better World* (London: Hodder and Stoughton, 1942), p. 65.

<sup>10</sup> Peter J. Henshaw, "Britain and South Africa at the United Nations: South- West Africa, the treatment of Indians, and race conflict, 1946-61," *South African Historical Journal*, Vol. 31, No. 1 (1994), pp. 80-102.

<sup>11</sup> Lorna Lloyd, "A Most Auspicious Beginning: The 1946 United Nations General Assembly and the Question of the Treatment of Indians in South Africa," *Review of International Studies*, Vol.16, No. 2 (1990), pp. 131-153; Manu Bhagavan, *The Peacemakers: India and the Quest for One World* (India: Harper Collins, 2012); Hugh Tinker, *Separate and Unequal: India and the Indians in the British Commonwealth, 1920-1950*, (London: Oxford University Press, 1976). de Villiers, *South Africa drawn in Colour*.

Vijaya Lakshmi Pandit, M.C. Chagla and G. Heaton Nicholls also discuss the 1946 session in detail in their respective biographies. See, Vijaya Lakshmi Pandit, *Scope of Happiness: A Personal Memoir* (India: Harper Collins, 1979); Mahommedali C. Chagla, *Roses in December* (Bombay: Bhartiya Vidya Bhavan, 1973); G. Heaton Nicholls, *South Africa in My Time*, (London: George Allen, 1961).

barring one session in 1949-50. Some of the key landmarks of the India-South Africa relationship, such as the introduction of a separate resolution on 'apartheid' in 1952, the closing of the Indian High Commission in South Africa in 1954, the initiatives to revive the India-South Africa bilateral relationship in late-1950s, and the merging of the 'treatment of Indians' item with the 'apartheid' item at the UN in 1962, have never properly been analyzed. This article attempts to fill that gap. Through a diplomatic history of the unfolding of the 'treatment of Indians' item at the UN, it will also attempt to trace the broader relationship between India and South Africa between 1946 and 1962.

This historical account also helps us to revisit and to question our received narratives about the Nehru-years. In revealing the thickness of diplomatic exchanges, the new scholarship on the early years of India's diplomatic practice highlights the perils of taking a meta-theoretical approach to Indian foreign policy.<sup>12</sup> Diplomatic practices emerge through the interaction of ideas, institutions and individuals, and yet, the scholarly tendency to endlessly casting Nehru's foreign policy in realist/idealist binaries leads to rather simplistic analyses and mistaken judgments.<sup>13</sup> As will become clear in the discussion below, Indian decision-making was informed by an array of actors and circumstances, which led to seemingly contradictory, but entirely rational, decisions at different points. Further, the MEA itself was not a monolith in driving foreign policy. Rather it engaged with different perspective from within – via its missions abroad – and without – from South African Indians. In fact, it was on the counsel of the High Commission in South Africa, and South African Indians, that India sponsored a second resolution on apartheid from 1952 onwards. As more decolonized nations joined the UN, support for India increased. However, over the years, the Indian item became a labored annual ritual, and one increasingly resented by Western and Latin American countries. This, and other factors, pushed India to merge its own item with the resolution on apartheid, but not before South Africa had been roundly isolated internationally.

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<sup>12</sup> As an illustrative sample, see Manu Bhagavan, *The peacemakers: India and the quest for one world*, (Noida: Harper Collins, 2010), Srinath Raghavan, *War and peace in modern India: A strategic history of the Nehru years* (Ranikhet: Permanent Black, 2010), Rudra Chaudhuri, *Forged in crisis: India and the United States since 1947*, (Noida: Harper Collins, 2014), Andrew Kennedy, "Nehru's foreign policy: Realism and idealism conjoined", in D.M.Malone, C.R.Mohan, and S.Raghavan (eds), *The Oxford Handbook of Indian Foreign Policy* (Oxford: Oxford University Press, 2015), pp. 92–103, Nabarun Roy, "The anatomy of a story less told: Nehru and the Balance of Power", *Journal of Asian Security and International Affairs*, vol. 3, no. 3 (2016), pp. 337–358.

<sup>13</sup> See, Alexander E. Davis and Vineet Thakur, "Walking the Thin Line: India's Anti-Racist Diplomatic Practice in South Africa, Canada, and Australia, 1946–55," *The International History Review*, vol. 38, No. 5 (2016), pp. 880-899..

## Background

The struggle for the rights of Indian immigrants in South Africa on international platforms goes back to the Imperial Conferences held between 1918 and 1923. In that period, Indian representatives, Satyendra Sinha, V.S. Srinivasa Sastri and Tej Bahadur Sapru, masterfully isolated the South African Prime Minister Jan Smuts on the question of the rights of Indians.<sup>14</sup> Partly because of these efforts to internationalize the issue, the South African government was encouraged to seek a bilateral solution to the issue, leading to two important conferences, the first in 1927, and the second in 1932, both of which were held in Cape Town. The issue, however, remained unresolved -- the South African government insisted on repatriating Indians as the final solution, and the Indian delegation, while agreeing to voluntary repatriation in 1927, and to finding a colonization scheme in 1932, also insisted on ensuring the rights of Indians in South Africa. To liaise between the two governments and the South African Indian community, an Agent was appointed by the Indian government in South Africa. The designation of the Indian Agent was upgraded to Agent-General in 1936, and eventually to High Commissioner in 1941.<sup>15</sup>

In 1939, in response to the White clamor for the segregation of Indians in the Transvaal, the South African government, under J.B.M. Hertzog, passed the Transvaal Asiatic Land and Trading Act. The Act imposed a temporary ban of two-years on the sale and hire of property and trade licenses to Indians who were living in the province of Transvaal. Despite opposition and petitions from South African Indians, Jan Smuts introduced the Trading and Occupation of Land (Natal and Transvaal) Act in parliament in 1943, which extended the prohibition of property transfers to Indians for another three years. This also now included Natal, which had a greater concentration of Indians. Since the Act was only meant to peg the situation until 1946, it was called the 'pegging act', which greatly infuriated South African Indians and the Indian government. It particularly enraged India's High Commissioner in South Africa, Shafa'at Ahmad Khan.

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<sup>14</sup> CITATION REMOVED FOR PEER REVIEW

<sup>15</sup> Uma Mesthrie, "From Sastri to Deshmukh A Study of the Role of the Government of India's Representatives in South Africa," Unpublished PhD Thesis (Durban: University of Natal, 1987); Bridglal Pachai, *The International Aspects of the South African Indian Question, 1860-1971*, (Cape Town: C. Struik, 1971).

The Cambridge educated Shafa'at Ahmad Khan, was a notable scholar – a former professor of economics and the President of the All-India Modern History Congress – as well as a politician actively involved in Muslim affairs in India. His combative approach and generally assertive character often displeased Smuts. In his fortnightly letters to the Commonwealth Relations Department (CRD) in India, Khan suggested retaliatory measures against South Africa, including the imposition of economic sanctions and the recalling of the Indian High Commissioner. He argued that Smuts was very conscious of his international image, and as such, he would be more inclined to respond to the demands of the Indians and negotiate with the High Commissioner on favorable terms if the issue was internationalized.<sup>16</sup> Despite these strong reactions, the Viceroy, Lord Archibald Wavell, a personal friend of Smuts, dithered and delayed. Somewhat flustered, Narayan Bhaskar Khare, the member in-charge of the CRD, stated in the Indian Central Legislative Assembly that "had India been independent, she would have considered this a *casus belli* against South Africa."<sup>17</sup> With pressure mounting on the government, Wavell finally agreed to impose the Reciprocity Act in November 1944. It was the first ever retaliatory measure by India against a fellow Commonwealth member. As India approached independence in 1946, British opposition to such measures became of less consequence.

In 1946, once the pegging act lapsed it was replaced by the Asiatic Land Tenure and Indian Representation Bill which was entirely unacceptable to Indians. It was a scheme whereby South African citizens of Indian origin were to be uprooted from their dwellings in Durban and Johannesburg and transferred to virtual ghettos. The Act was infamously referred to as the 'Ghetto Act' – a term resonating unmistakably with the Jewish ghettos in Nazi Germany. Following its imposition, India imposed its first ever trade sanctions on South Africa and recalled its High Commissioner for consultation.<sup>18</sup>

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<sup>16</sup> Shafa'at Khan confided to Khare that he was prompted to convey this by the editor of *Forum*, the mouthpiece of Jan Hofmeyr, a liberal and Jan Smuts's deputy in the cabinet. See, CRD (Commonwealth Relations Department), "High Commissioner for India in the Union of South Africa – Correspondence Demi-official between the Hon'ble Member and the High Commissioner for India in the Union of South Africa between 31<sup>st</sup> December 1943 and 23<sup>rd</sup> February 1945", CRD, Overseas Section, F. 2/44-O.S./1944 (Part 1), National Archives of India, New Delhi (henceforth, NAI).

<sup>17</sup> Quoted in Pachai, *The International Dimension*, p. 174.

<sup>18</sup> Lorna Lloyd, "A family quarrel': the development of the dispute over Indians in South Africa," *Historical Journal*, Vol. 34, No. 3, pp. 703-725.

Then, in March 1946, Khare first suggested taking the matter to the UN. The CRD sought suggestions from the External Affairs Department (EAD), about taking up the issue at the UN. The EAD, mostly consisting of British Civil Servants, suggested that India should discreetly warn South Africa that the matter would be raised at the UN, unless it "adopted a very different approach to our problem."<sup>19</sup> The Foreign Secretary, Hugh Weightman, argued that Smuts would be more concerned about South Africa's image at the UN because he was proposing to incorporate South West Africa into the Union. India's warnings could, therefore, produce the desired effect. Besides, from India's point of view, Weightman prophetically warned that India might itself face issues about minorities in the future, and hence should be cautious about raising matters of domestic jurisdiction of another country. Regardless of these views, the Indian-dominated CRD continued with making a case for complaint at the UN. It prepared a detailed draft of India's strategy at the UN on the issue. After lengthy internal discussions, CRD sent a telegram to India's representative to the UN, Sir R. Mudaliar, on 18 June 1946, to submit India's complaint to the Secretary General. It was a succinct message for putting India's case against South Africa to the General Assembly under Articles 10 and 14 of the UN Charter.<sup>20</sup>

After Nehru was sworn in to office as the Vice-President of the interim cabinet on 2 September 1946, the first file he sent to the Viceroy, Lord Wavell, was a rejection of an important British proposal. The British had offered to act as mediators in proposed talks between India and South Africa, for which it sought the withdrawal of the Indian complaint against South Africa at the UN in exchange. Nehru made it clear that India would take up the case against South Africa at the UN.<sup>21</sup> Simultaneously, in a letter to a South African Indian leader, Ismail Cahalia, Nehru assured that "in India or South Africa or in international assemblies we shall fight this issue and we will not give in until we secure full recognition of Indians' rights and India's honor".<sup>22</sup> Despite calls for either Gandhi or Nehru to lead India's

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<sup>19</sup> See, CRD, "Presentation of the case of Indians in South Africa before the United Nations," MEA, AFR I, F. 14 (25) PWR/46, 1946, NAI.

<sup>20</sup> CRD, "Presentation".

<sup>21</sup> Lorna Lloyd, "A Most Auspicious Beginning," p. 135.

<sup>22</sup> Jawaharlal Nehru, "Indian struggle in South Africa a World Issue, September 4, 1946," *Selected Works of Jawaharlal Nehru, Second Series, Volume One* (New Delhi: Jawaharlal Nehru Memorial Fund, 1984), p. 437.

campaign against the seasoned Jan Smuts, at Gandhi's insistence, Nehru appointed Vijaya Lakshmi Pandit.<sup>23</sup>

India's diplomatic campaign at the UN in 1946 has been covered amply elsewhere (as noted above), so we will not discuss that in detail, except for two important points that are often forgotten. First, Nehru had requested Tej Bahadur Sapru (whose son, P.N. Sapru, was also in the delegation) to prepare a note on the legal aspects of the issue. Dictating the note from his sick-bed, Sapru prepared a sound-footed legal case for the delegation. Despite the legal question being the foundation of India's argument, however, he advised that it would be disastrous to argue this as a case in a court of law. Perhaps reminiscent of his own eloquent performance in the Imperial Conference of 1923 where he had outmaneuvered Smuts,<sup>24</sup> he argued that even in courts – municipal or international – "dry, arid and technical questions of law" rarely appeal to the determining authority. Rather, it is facts – delivered in fine prose – that impress people.<sup>25</sup> As it turned out, Jan Smuts, who was South Africa's best orator on the issue, opted for legal language, leaving the Natal politician, G. Heaton Nicholls, to make a political case. Arguably, Heaton Nicholls did more harm than good, by giving an extremely provocative speech laced with racist rants, which in turn lost South Africa the undecided Latin American votes at the UN.<sup>26</sup> For India, Vijaya Lakshmi Pandit, who made the political case,<sup>27</sup> and M.C. Chagla, who debated on the legal side, delivered impressive, but also polemical speeches, which helped India gain votes at the UN. The polemic, often couched as "emotional"

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<sup>23</sup> Pandit, *Scope of Happiness*, p. 206; South African Indian Congress, "Statement by Councillor Ahmed Ismail," R.M. Deshmukh Papers, F.No. 52, Nehru Memorial and Museum Library, New Delhi (henceforth, NMML), pp. 43-45; Ramrao M. Deshmukh, "Note prepared by Mr. R.M. Deshmukh, High Commissioner for India in the Union of South Africa for the South African Indian case to the United Nations Organization, dated 4 September 1946," R.M. Deshmukh Papers, F.No. 54, NMML, p. 31.

<sup>24</sup> CITATION REMOVED FOR PEER REVIEW

<sup>25</sup> Tej Bahadur Sapru, "In the Matter of the Indo-South African Dispute in the UNO – Memorandum for the Government of India," pp. 224-242, In *Responsa: Selected Legal Opinions*, compiled and edited by K. N. Raina, Volume 1 (Bombay: NM Tripathi Private Limited, 1976 (1946)), p. 227.

<sup>26</sup> G. Heaton Nicholls "Speech by G. Heaton Nicholls before the joint first and sixth committee, Press Release PM/143, 25 November 1946," Jan Smuts Papers, A1, Vol. 166, NASA, pp. 1-26. For Smuts's legal statement, see, United Nations, "Statement by Field Marshall Smuts on the Legal Aspects of the Problem," *Principal Documents relating to consideration by the United Nations General Assembly of the Representations of the Government of India and the Treatment of the Indians in South Africa*, (Cape Town: Cape Times Ltd., 1946), pp. 84-105.

<sup>27</sup> Pandit made two speeches before the joint committee, see, Vijaya Lakshmi Pandit, "Speech at the joint meeting of First and Sixth Committee, 21 November, 1946," VL Pandit Papers, II Installment, Subject File No. 2, pp. 134-142, and; "Speech before Joint Committee, 26 November 1946," VL Pandit Papers, II Installment, Subject File No. 2, NMML, pp. 74-86. For Chagla's speech, see Mahommedali C. Chagla, "Speech at the joint meeting of the first and sixth committees, 25 November 1946," MC Chagla Papers, Subject File No. 37, NMML, pp. 75-90.

and "irrational" by South Africans, remained an important ingredient of India's speeches in the years to follow.<sup>28</sup>

Second, the 8 December 1946 Resolution on the 'treatment of Indians' was not a condemnatory one. Proposed by France and Mexico, it was, in fact, a watered-down version of India's original resolution. India's version had highlighted "the Union Government's discriminatory treatment of Asiatics in general and Indians in particular on the ground of their race constituted a denial of Human Rights and fundamental freedom is contrary to the Charter", but the final resolution, which India then endorsed, only noted that "the treatment of Indians in the Union should be in conformity with the international agreements concluded between the two governments and (with) the relevant provisions of the Charter."<sup>29</sup> 'Racial discrimination' and 'human rights' had clearly been left out, although the "relevant provisions of the Charter" was an implied reference to human rights. However, importantly, the resolution viewed the issue as a bilateral concern, against South Africa's insistence on it being a domestic issue, and asked both countries to report to the General Assembly the following year about the measures taken in this regard.

### **Talks about Talks**

Accordingly, Nehru wrote to Smuts to follow-up on the General Assembly resolution. Quoting the resolution, Nehru proposed talks between the two countries. An exchange of letters followed, in which Smuts refused to acknowledge the UN resolution and asked Nehru to first send back the Indian High Commissioner, who had been temporarily recalled to India.<sup>30</sup> Nehru refused to budge, and the conversation turned sour; Smuts called these letters as "paper bombs".<sup>31</sup> Nehru and Smuts's differences were not about whether their countries should negotiate, but on the more procedural issues of the conditions under which these talks must be held. By holding the issue to the UN mandate, India wanted to maintain that this was an international concern, while South Africa refused to acknowledge the UN's jurisdiction in, what it thought, was, essentially, a domestic matter.

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<sup>28</sup> CITATION REMOVED FOR PEER REVIEW

<sup>29</sup> For different resolutions and summaries of various discussions, see, United Nations, *Principal Documents relating to consideration by the United Nations General Assembly of the Representations of the Government of India and the Treatment of the Indians in South Africa*, (Cape Times Ltd.: Cape Town, 1946).

<sup>30</sup> For Nehru-Smuts conversation, see RM Deshmukh Papers, F.No. 57, pp. 64-83, NMML.

<sup>31</sup> Hancock, *Smuts: The Fields of Force*, p. 562.

In 1947, India and South Africa once again squared off at the UN General Assembly. Although Smuts did not come to the UN, South Africa was represented by a far more articulate diplomat than G. Heaton Nicholls, in the figure of Henry Lawrance. Vijaya Lakshmi Pandit continued to represent India but Lawrance's diplomatic skills helped to secure more votes for South Africa. In 1947, an Indian-led proposed resolution asking for the two countries to enter Round Table negotiations fell short of securing the two-third majority. India found 31 supporters – just as in 1946 – but 19 states now opposed the resolution. Countries like Australia, Norway and Sweden, which had either abstained or supported the Indian resolution in 1946, had moved to the other side.<sup>32</sup>

India returned with the issue in 1948 to the UN. However, India had recently carried out (what it called) 'police action' in Hyderabad, and resented any interference on this 'domestic' issue. South African diplomats gained a chip on their shoulder as they pointed to India's hypocrisy of resorting to the 'domestic jurisdiction' argument while the country was meddling in South Africa's internal matters. The South African delegation noted an "unnatural calm on the Indian front, with no propaganda as on previous occasions."<sup>33</sup> Sensing a good opportunity, South Africa launched its own "vigorous offensive" against India, by "discreetly continuing propaganda, particularly with photos [on the Indian action in Hyderabad]", which, the South African High Commissioner to London acknowledged to Pretoria, was "giving excellent results".<sup>34</sup> In this session, India suggested a commission of enquiry to look into Indian concerns in South Africa. Although the resolution was passed by a small majority at the First Committee, the Indian side did not pursue it in the General Assembly, aware that, in the given environment, it would be impossible to secure two-thirds votes in India's favor.<sup>35</sup> Instead, another French-Mexican resolution calling on the two sides to meet for a Round Table Conference was passed by the General Assembly with India's support.

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<sup>32</sup> Union of South Africa, *Principal Documents relating to consideration by the United Nations General Assembly of the Statement of the Union of South Africa and the Statement of the Government of India arising out of Resolution 44 (1) adopted by the General Assembly on 8 December 1946 regarding the Treatment of the Indians in the Union of South Africa*, (Cape Town: Cape Times Ltd., 1947), p. 46.

<sup>33</sup> DFA, "High Commissioner, London, to Secretary of External Affairs, Pretoria, October 11, 1948," SAB, BVV, Vol. 5, Ref. 10/2, Part 1, NASA.

<sup>34</sup> DFA, "High Commissioner, London, to Secretary of External Affairs, Pretoria"

<sup>35</sup> Ministry of External Affairs (MEA), AFR-I, F. 27-4/51 - AFR (Secret) 1952.

Meanwhile, in 1948, Smuts was ousted from power by D.F. Malan and his National Party. South Africa, under the National Party – which had long critiqued Smuts's liberalism – moved, politically, further to the right. By the late-1940s, Smuts seems to have come around to accepting a more liberal version of segregation, even urging South Africans to consider "whether we should not give a man of a different color, who is highly educated and with outstanding qualities of leadership a chance".<sup>36</sup> But, Malan and his party were strong proponents of an absolutist view of segregation, called apartheid. Interestingly, however, at this point, India placed more hope on Malan than Smuts. Smuts, despite being a liberal was seen as "slim", or as an Indian diplomat called him, "a tactician of great tenacity and ingenuity... [who] reconciles the irreconcilable."<sup>37</sup> Malan, by contrast, even though conservative, was a straight-talker. Indeed, Malan had been a part of the two previous conferences in 1927 and 1932 to solve the Indian issue. Yet, Smuts, however, had held forth on his patchy liberalism and double-talk when it came to the rights of Indians at the imperial conferences in 1919, 1921 and 1923 and at the UN in 1946.

In 1949, Nehru and Malan met at the Prime Minister's Commonwealth Conference in London and both got along well, particularly because Malan was an enthusiastic supporter of Nehru's republican stance within the Commonwealth. In an informal meeting during this conference, Malan mentioned to Nehru that a compulsory moving of population was taking place in India (partition) which involved 5,000,000 people. Was it not possible, he asked, to devise a similar scheme for 250,000 Indians in South Africa? Nehru, according to Malan, replied that India was not interested in repatriation. Further, this was a matter of prestige for India, as Indians should be treated equally with Europeans in all respects.<sup>38</sup>

The meeting between Nehru and Malan, nevertheless, raised expectations of formal talks. A round table between India (and Pakistan, which had also become a party to the dispute after the Partition) and South Africa seemed a possibility. India's MEA wrote to the South African foreign affairs on 4 July, 1949, enquiring if the South African government was agreeable to a Round Table Conference as required by the UN resolution of 14 May,

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<sup>36</sup> Smuts quoted in CRD, "Indian Question in South Africa," MEA, Overseas I, F. 69-25/46, NAI.

<sup>37</sup> Deshmukh, "Note Prepared by R.M. Deshmukh", p. 31.

<sup>38</sup> See, DFA, "Addendum to New bulletin 101, September 24, 1953," SAB, BPA, Vol. 5, Ref. 18/10, NASA.

1949.<sup>39</sup> The Indian government had also written to the Pakistan government to participate in this.<sup>40</sup> However, just as India sent the telegram to South Africa, Malan's government introduced the Asiatic Land Tenure Amendment Act, which not only extended the Ghetto Act but also imposed more restrictions on South African Indians including territorial segregation for trade and business.<sup>41</sup> In a carefully worded reply, sent on 13 July, South Africa argued that since the matter was its domestic concern, it would not discuss it under the UN resolutions. However, if standalone discussions were to be pursued, it was better if India, Pakistan, and South Africa could first find a sufficient common ground for discussions and, on this basis, proposed preliminary talks for drafting the basis of subsequent discussions.<sup>42</sup> Importantly, the Union government, unlike in the Smuts-Nehru exchange of 1947, did not ask for the restoration of diplomatic relations and the lifting of trade sanctions as a precondition for talks.<sup>43</sup>

While India considered its own response, especially in light of the intensification of segregation in South Africa, Pakistan expressed a willingness to attend such preliminary talks and advised India to not refer to the UN resolution in its response. Pakistan argued that it was more important to follow a "practical and realistic" approach, rather than dogmatic adherence to a UN mediated resolution.<sup>44</sup> The MEA felt, however, that little would come out of these preliminary talks and asked India's permanent representative in New York, Benegal Narsingh Rau, to be prepared to raise the matter again at the UN.<sup>45</sup>

Instead, Rau urged the MEA to reconsider taking up the matter at the UN. He stated that while the Union Government's proposal for talks amidst increasing repression of Indians in South Africa was insincere, at the UN it would be difficult for him to "convince

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<sup>39</sup> MEA, "CCB No. 6166, Foreign, New Delhi, to PRIMUS, Pretoria, July 4, 1949," MEA, AFR-I, F. 2-1/49 - AFR (vol. 1) 1949, NAI.

<sup>40</sup> MEA, "S. Dutt to Secretary of the Government of Pakistan, Ministry of Foreign Affairs and Commonwealth Relations, June 13, 1949," MEA, AFR-I, F. 2-1/49 - AFR (vol. 1) 1949, NAI.

<sup>41</sup> MEA, "CCB No. 6350, Foreign, New Delhi, to Indiadel, New York, July 10, 1949," MEA, AFR-I, F. 2-1/49 - AFR (vol. 1) 1949, NAI.

<sup>42</sup> MEA, "CCB 7874, PRIMUS, Pretoria, to Foreign, Delhi, July 13, 1949," MEA, AFR-I, F. 2-1/49 - AFR (vol. 1) 1949, NAI.

<sup>43</sup> MEA, "CCB 8975, Indiadel, New York, to Foreign, New Delhi, August 11, 1949," MEA, AFR-I, F. 2-1/49 - AFR (vol. 1) 1949, NAI.

<sup>44</sup> MEA, "CCB No. 7975, Foreign, Karachi, to Foreign, New Delhi, July 17, 1949"; and "CCB. No. 7995, Hicomind, Karachi, to Foreign, New Delhi, July 18, 1949," In MEA, AFR-I, F. 2-1/49 - AFR (vol. 1) 1949, NAI.

<sup>45</sup> MEA, "CCB 8613, Foreign, New Delhi, to Indiadel, New York, September 18, 1949," MEA, AFR-I, F. 2-1/49 - AFR (vol. 1) 1949, NAI.

lukewarm countries like the United Kingdom and the USA that the fault is really [the] Union's."<sup>46</sup> Besides, even if India was able to secure the requisite two-thirds majority for its resolution, little effective action would ensue. He added: "Mere repetition of previous resolutions, one of which is only five months old, would be fruitless, while action under Article 6 of Charter would be unlikely to find sufficient support."<sup>47</sup> With the Kashmir issue set to be raised in the Assembly, Rau saw little hope of finding enough sympathetic ears and emphasized that the annual tabling of this issue was "NOT repeat NOT generally welcomed".<sup>48</sup>

Diplomatically, India was in a bind. Apart from the lack of support at the UN, India also suspected that Pakistan would break ranks with India and lift the trade sanctions that United India had imposed in 1944. Pakistan needed coal and was keen to export its jute, which could be traded with South Africa. Numerically, there were only about 80 Pakistani Muslims in South Africa, and hence the standoff with South Africa affected Pakistan little. In any case, India-Pakistan rivalry at the UN over Kashmir had become more acute and India had reasons for distrusting Pakistan. Indian diplomats feared that if Pakistan made a separate deal with South Africa, India would be cornered at the UN as the more unreasonable of the three parties.<sup>49</sup>

Formally, the Indian response to the Union was to protest against the new discriminatory measures against Indians and to ask the latter to "suspend or postpone" the Asiatic Act until the proposed conference had reviewed the whole issue.<sup>50</sup> But, the MEA encouraged Rau to meet informally with his South African counterpart, G.P. Jooste, to find a way out.<sup>51</sup> There are no documents on the Indian side to attest to what transpired, but the South African documents make a startling claim.

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<sup>46</sup> MEA, "CCB 10286, Indiadell, New York, to Foreign, New Delhi, September 19, 1949," MEA, AFR-I, F. 2-1/49 - AFR (vol. 1)1949, NAI.

<sup>47</sup> MEA, "CCB 10286".

<sup>48</sup> MEA, "CCB 10286".

<sup>49</sup> See, MEA, "R.T. Chari to S. Dutt, June 21, 1949", MEA, AFR-I, F. 2-1/49 - AFR (vol. 1)1949, NAI. Also see, MEA, "CCB 10851, Hicomind, Karachi, to Foreign, New Delhi, October 11, 1949," MEA, AFR-I, F. 2-1/49 - AFR (vol. 1)1949, NAI.

<sup>50</sup> MEA, "CCB 8726, Foreign, New Delhi, to Primus, Pretoria, September 22, 1949," MEA, AFR-I, F. 2-1/49 - AFR (vol. 1)1949, NAI.

<sup>51</sup> MEA, "CCB 10446, Indiadell, New York, to Foreign, New Delhi, September 24, 1949"; and "CCB 8799, Foreign, New Delhi, to Indiadell, New York, September 26, 1949": In MEA, AFR-I, F. 2-1/49 - AFR (vol. 1)1949, NAI.

In his memorandum to the foreign affairs department in Pretoria, Jooste stated that, showing a rather "unexpected measure of frankness," Rau had confessed that "the feverish attempts in his country to destroy all caste inequalities were resulting in what in actual practice amounted to discrimination against the erstwhile ruling castes such as the Brahmins, to which he belongs."<sup>52</sup> Going further, according to Jooste, Rau stated that "Indians who went to South Africa did not belong to the best type and that, as in Burma, they may have exploited the local population and given India a bad name."<sup>53</sup> He added that the way the South African government treated them "might be fully justified and that in fact India would not mind discrimination against our local Indian community if only it was not based on racial lines."<sup>54</sup> Based on a precedent adopted by the Canadian government with regard to Indians, Rau enquired whether a similar proposal of citizenship to "a small number, say 10, of the cultured and best type of Indians" could work for South Africa "as a token to the world that the racial equality of Indians was recognized" in that country.<sup>55</sup> Rau assured Jooste that as soon as South Africa did anything to "remove discrimination based on racial considerations," India would end its opposition to the country. As a "bulwark ... against Communism in the East", Rau added, India had taken a leadership position, and, hence, "could not accept the position of being the inferior race."<sup>56</sup> The South African application of the racial criteria was "playing into the hands of the communists who ... [represent] ... themselves as the liberators of the oppressed and the champions of freedom and liberty."<sup>57</sup>

There is nothing to suggest that Rau took this line at the behest of the MEA. In fact, the MEA had asked Rau to talk "within the framework of our correspondence with the Union Government".<sup>58</sup> Neither did the South Africans take Rau seriously, refusing to make a caste-based, rather than race-based, distinction among Indians.

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<sup>52</sup> DFA, "GP Jooste to DD Forsyth, October 24, 1949," SAB, BVV, Vol. 5, Ref. 10/2, Part 1, NASA.

<sup>53</sup> DFA, "GP Jooste to DD Forsyth"

<sup>54</sup> DFA, "GP Jooste to DD Forsyth"

<sup>55</sup> DFA, "GP Jooste to DD Forsyth".

<sup>56</sup> DFA, "GP Jooste to DD Forsyth"

<sup>57</sup> DFA, "GP Jooste to DD Forsyth". For more on this memo, see Thakur, Vineet (2016) "When India proposed a casteist solution to South Africa's racist problem", *The Wire*, 4 April 2016, <http://thewire.in/27045/exploring-casteism-in-indias-foreign-policy/> accessed 5 October 2016.

<sup>58</sup> MEA, "CCB 8799"

Meanwhile, South Africa asked Pakistan, which had already agreed to preliminary talks, to suggest dates for the talks. Pakistan quickly responded and confirmed India's fears by indicating that it was not averse to lifting trade sanctions against South Africa to create the necessary conditions for talks.<sup>59</sup> Now the MEA turned to R.T. Chari, the senior-most officer in the Indian High Commission in Pretoria, and asked him to advise the Indian government on the opinion of the South African Indians with regard to negotiations.

Chari gave a detailed response.<sup>60</sup> He argued that since India had accepted the 14 May 1949 UN Resolution on holding a Round Table Conference, it became obligatory for India to take steps to hold such a conference. Without being able to sufficiently demonstrate that it had done everything possible to hold such a conference, India would not be able to agitate further on the matter. Second, the South African Indian community had repeatedly asked for such negotiations. The passive resistance campaign in South Africa by the Indian community, which was started in 1946, had by now become too-long drawn. The more radical political faction among Indians in South Africa, the South African Indian Congress, felt that resumption of talks between India and South Africa would allow the passive resisters some breathing space and permit them to withdraw. A failure to achieve the required ends through such a conference would also demonstrate to the wavering sections within the Indian community that conciliatory approaches to the National Party government would not yield results without mass action. But if the Conference was rejected on a priori grounds, the Indian government would draw a negative reputation within and outside South Africa. Third, Chari argued that such a conference would also help India disentangle from the commitments of the 1927 and 1932 conferences, in which India had basically accepted the principle of voluntary repatriation and finding new colonies elsewhere to populate Indians from South Africa. Both of these were outdated solutions and lest a new conference was held, India would remain tied to these commitments. Finally, he informed that if, instead of holding talks, India went back to the UN with the issue, there would be little hope of it being effective when the UN members were "distracted by the Russian atom bomb, the collapse of Nationalists in China,

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<sup>59</sup> MEA, "CCB 7995, Hicomind, Karachi, and Foreign, New Delhi, July 18, 1949," MEA, AFR-I, F. 2-1/49 - AFR (vol. 1)1949, NAI.

<sup>60</sup> MEA, "A note on negotiations with South Africa, October 24, 1949," MEA, AFR-I, F. 2-1/49 - AFR (vol. 1)1949, NAI.

the dollar crisis and general elections impending in England."<sup>61</sup> He added: "the advantage seems to be in lying low till next year."<sup>62</sup>

Eventually, India agreed to send a delegation for preliminary talks, which were held in February 1950, in Cape Town. The Indian delegation was headed by Pandit H.N. Kunzru and included Y.D. Gundeia, Joint Secretary at the MEA, and Chari. The three member Pakistani delegation was led by Deputy Foreign Minister Mahmud Hussain, and T.E. Donges, South Africa's Minister of the Interior and Mines, led the host country. Proving Indian apprehensions right, Pakistan lifted the trade ban at the start of the conference, weakening India's negotiating stance. In wide-ranging discussions during the conference, and especially in one-on-one discussions between Kunzru and Donges, a joint communique was agreed upon as a basis for the Round Table Conference (RTC). In his memo to the Ministry, Kunzru advised that India's efforts at the RTC "should be directed to obtain for our people in South Africa the most generous terms possible to leave South Africa, and at the same time to persuade the South African government to refrain from introducing any element of compulsion."<sup>63</sup> He also suggested reversing India's former position on sanctions and advised lifting trade sanctions, and even proposed resuming full diplomatic ties, if South Africa was willing to suspend or postpone the anti-Indian legislation of 1946.<sup>64</sup>

Just when it seemed that things between the two countries might improve, Malan's government introduced the Group Areas Act in April 1950. This act segregated whites and non-whites in all urban areas, thereby making the Asiatic Acts of 1946 and 1949 superfluous because all non-whites -- Indians, Coloured and Africans -- were now subject to the same segregation rules. Since the Group Areas Act was applied universally across urban South Africa, it also extended the already existing segregation for Indians to the Cape.

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<sup>61</sup> MEA, "A note on negotiations"

<sup>62</sup> MEA, "A note on negotiations"

<sup>63</sup> MEA, "Report of the Indian delegation of the tripartite preliminary discussions held at Cape Town from February 6 to 11, 1950," MEA, AFR-I, F.21/9/50, 1950, NAI.

<sup>64</sup> MEA, "Report of the Indian delegation"

The knee-jerk reaction of the MEA in Delhi was to ask the South African government to suspend or postpone this act until the RTC was conducted, and to organize the RTC as soon as possible.<sup>65</sup> But Chari urged the Indian government to consider a different approach. He called upon the Indian government to unequivocally boycott the RTC, rather than suggesting its immediate convening. His argument was that the Group Areas Act proved beyond doubt that the Union government was intent on pushing through racial discrimination plans, and India's call for its suspension until the RTC would be seen as a weak response by the South African community. Second, he urged the MEA to consider the apartheid ideology in its entirety before responding to the situation. Unlike previous measures, such as the Asiatic Acts, which were mostly limited to specific residential and/or commercial areas, the Group Areas Act was an ideological application of not only the complete separation of the races, but also a unity of whites in dominance. Chari further noted that Malan, in fact, had a pan-African doctrine in mind. African states south of the Sahara would adopt a uniform color policy and co-operate in defense, ensuring white rule throughout the continent. In response, Chari pleaded that India could no more restrict its fight to the cause of Indians in South Africa. The Group Areas Act had rendered Indian exceptionalism irrelevant, and so, he urged the Indian government to widen its fight at the UN more generally to the issue of racism against Africans in South Africa.<sup>66</sup>

The MEA's initial response was dismissive. The Secretary General, G.S. Bajpai, thought that Chari's picture was "overdrawn", although he agreed that the "oppressed must unite if they are to get rid of oppression."<sup>67</sup> But, Gundevia reminded Chari that India "had been able to raise the Indian question at the UN forcefully, because it was a separate and distinct issue in which India was specially interested."<sup>68</sup> Further, the Indian strategy at the UN was to raise the matter as an issue of bilateral concern, but if India moved to discussing racial discrimination in general within South Africa, South Africa's domestic

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<sup>65</sup> MEA, "CCB 2833, Foreign, New Delhi, to Primus, Cape Town, April 29, 1950," MEA, AFR-I, F. 4/50 (Correspondence), 1950, NAI.

<sup>66</sup> MEA, "R.T. Chari to S. Dutt, April 18, 1950," MEA, AFR-I, F. 4/50 (Correspondence), 1950, NAI.

<sup>67</sup> Bajpai wrote this on the margins of Chari's letter to Dutt. To this, Chari replied: "I would be cheered by your admonition against undue gloom if the pessimism of my earlier dispatches were not so fully shared by the diplomatic corps and the foreign press correspondents here. I fear that the world's present preoccupations will leave it little time for Africa's storm in a tea cup; as I do not share General Smuts's faith in a holistic emergence of freedom from slavery, I expect and dread the coming struggle. Time for the African is no doubt longer than rope but for the Indian here there is too much rope for his neck to survive". See, MEA, "R.T. Chari to Y.D. Gundevia, June 20, 1950," MEA, AFR-I, F. 4/50 (Correspondence), 1950, NAI.

<sup>68</sup> MEA, "Y.D. Gundevia to R.T. Chari, May 12, 1950," MEA, AFR-I, F. 4/50 (Correspondence), 1950, NAI.

jurisdiction argument would be strengthened. He added that India had enthusiastically championed the cause of Africans through its opposition to South Africa's attempts to annex South-West Africa, but, once again, India could only do it because it was a mandated territory.<sup>69</sup>

While the MEA debated its future course of action, South Africa rejected the Indian government's call for suspending or postponing the Group Areas Act. However, at Pakistan's request, it informed that the Act would not come into force until December 1950, which gave enough time to hold the conference in September 1950. South Africa even proposed London as the venue for the Conference, thus making it more difficult for India to prevaricate.<sup>70</sup> Indian diplomats were convinced that Pakistan had "double-crossed" India and that it was eager to go ahead with these talks, largely because Pakistan saw this as an opportunity to undercut India's global legitimacy by showing that India was insincere and deliberately avoiding the talks.<sup>71</sup> Chari argued that Pakistan believed that the question of Indians in South Africa was "India's business."<sup>72</sup> He believed that, in principle, Pakistan was ready to accept racial segregation and all its efforts would be directed towards removing some of its extreme features.<sup>73</sup>

Refusing to take South Africa's bait for talks, now India heeded Chari's initial proposal of out-rightly rejecting the RTC, arguing that the Group Areas Act left "no room for doubt that the Union government are determined to go ahead with their policy of apartheid and to limit the discussions at that Conference to measures designed to reduce the Indian population of the Union".<sup>74</sup>

With the only real chance of negotiations gone, and little hope of Malan's government giving up on segregation, the Indian government considered its options. In the

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<sup>69</sup> MEA, "Y.D. Gundevia to R.T. Chari, June 20, 1950"

<sup>70</sup> See the following letters MEA, "CCB 4847/4837, Primus, Cape Town, to Foreign, New Delhi, June 14, 1950;" "CCB 4878, Foreign, Karachi, to Foreign, New Delhi, June 15, 1950;" "CCB 5077, Primus, Cape Town, to Foreign, New Delhi, June 22, 1950": In MEA, AFR-I, F. 4/50 (Correspondence), 1950, NAI.

<sup>71</sup> MEA, "Y.D. Gundevia to M.K. Kriplani, June 1950," MEA, AFR-I, F. 4/50 (Correspondence), 1950, NAI.

<sup>72</sup> MEA, "Y.D. Gundevia to R.T. Chari, June 20, 1950"

<sup>73</sup> On Pakistan's position, also see MEA, "Sita Ram to Y.D. Gundevia, August 4, 1950," MEA, AFR-I, F. 4/50 (Correspondence), 1950, NAI.

<sup>74</sup> MEA, "CCB 3684, Foreign, New Delhi, to Primus, Cape Town, June 6, 1950," MEA, AFR-I, F. 4/50 (Correspondence), 1950, NAI.

three years since the 1946 Resolution, India's diplomatic position vis-à-vis South Africa had considerably worsened. In these years, the UN General Assembly had only passed one mild resolution asking the involved countries to meet for a RTC outside the UN, and this had done nothing to deter South Africa from following even more stringent racial policies. Besides, Pakistan's suspected backroom dealings with South Africa had weakened India's bargaining position.

### **The anti-apartheid resolution**

On 6 July 1950, Chari wrote again to the MEA, informing them that alongside the Group Areas Act, the South African government had also enacted other measures, such as the Population Registration Bill and the Suppression of Communism Bill, with a view towards complete segregation and the stifling of any form of dissent. This had caused "great disquiet and despair" among non-Europeans as South Africa made "rapid progress towards [becoming] a police state."<sup>75</sup> Under such circumstances, the South African Indian community felt that they were "in a desperate situation" and "that they were not receiving from the Government of India as much support as possible."<sup>76</sup> Merely talking at the UN, the Indian community felt, would not "bring them any relief" and India must, therefore, use other international channels to put pressure on the South African government. The Indian government should, it was suggested, approach the US and the UK, but also threaten to withdraw from the Commonwealth if Indians within it were not treated fairly.<sup>77</sup>

On this, Nehru intervened to say that taking up the issue at the Commonwealth level, or threatening to withdraw from the organization, would be counter-productive. At the time, India was also engaged in the Korean question, and if India threatened to withdraw, it was likely to be misconstrued as being a result of India's differences with other Commonwealth countries and the US over Korea. Further, in the Commonwealth meetings the agreed practice was to keep "disputed matters" out.<sup>78</sup> If India raised its issues with South Africa in the Commonwealth, Pakistan and other countries would raise Kashmir and, therefore, the UN was a better platform to agitate on these matters.<sup>79</sup>

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<sup>75</sup> MEA, "R.T. Chari to S. Dutt, July 6, 1950," MEA, AFR-I, F. 4/50 (Correspondence), 1950, NAI.

<sup>76</sup> MEA, "R.T. Chari to S. Dutt, July 6, 1950"

<sup>77</sup> MEA, "R.T. Chari to S. Dutt, July 6, 1950"

<sup>78</sup> MEA, "S. Dutt to R.T. Chari, July 28, 1950," MEA, AFR-I, F. 4/50 (Correspondence), 1950, NAI.

<sup>79</sup> MEA, "S. Dutt to R.T. Chari, July 28, 1950"

On Chari's suggestion, India did, nevertheless, take a much stronger line at the UN. Its draft resolution asked to declare the Group Areas Act a contravention of the UN Charter and the Universal Declaration of Human Rights, and placed the responsibility of the failure of the RTC on South Africa's decision to legislate this Act. The Asian and Arab countries, including Nationalist China and Israel, supported India. However, South Africa's participation in the Korean War meant that the US, the UK and many other western nations pushed for a milder resolution. On the latter lines, a resolution calling for the RTC to be held, and asking that the three countries refrain from taking any actions that would prejudice negotiations, was proposed by Brazil, Bolivia, Denmark, Norway and Sweden. This resolution avoided all mention of racial discrimination. Many sympathetic governments advised India to drop its own draft resolution in favor of this version in the hope that a conciliatory, rather than condemnatory, attitude might provide better results for the Indian community in South Africa.

However, to India's advantage, this milder resolution adopted progressively stronger language as discussions continued. First, Ecuador, Mexico, the Philippines and Uruguay moved an amendment to provide references of the UN Resolutions of 1946 and 1949 against racial persecution. Second, Mexico inserted the mention of the Group Areas Act, advising the South African government to refrain from implementing it. Third, and most importantly, Cuba added a stinging indictment of the South African regime in the preamble of the resolution, which read: "a policy of 'racial segregation' (Apartheid) is necessarily based on doctrines of racial discrimination." The whole resolution was adopted by the General Assembly with 33 votes in favor, 6 against and 21 abstentions.<sup>80</sup>

After the end of the Assembly meeting, the same cycle was repeated. India wrote to South Africa to convene the RTC on the basis of the latest UN resolution and to suspend the Group Areas Act. South Africa refused to negotiate on these bases, but showed a willingness to organize the RTC on the basis of the 1950 preliminary roundtable. South Africa also indicated that there was no plan to enforce the Group Areas Act immediately, and the RTC could be easily held before its enforcement. Here, Chari advised the MEA to

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<sup>80</sup> MEA, "Item 57: Treatment of People of Indian Origin in the Union of South Africa," MEA, AFR-I, F. 27/51/AFR - I (Correspondence), pp. 11-18.

drop the mention of the UN resolution, so that when South Africa refused the RTC (as it would do), India could show that negotiations could not proceed because of a substantive disagreement about a racist policy, rather than a mere procedural point about the mention of a UN resolution.<sup>81</sup>

The MEA refused to disregard the UN resolution as a basis for talks. Chari wrote that he could not help but feel that India came off worse in these exchanges.<sup>82</sup> Even South African diplomats at the UN wrote encouragingly to their headquarters that "there was a gradual swing of sympathy in our favor" as many delegations felt that "India's vendetta is actually committing the United Nations to a stand which is becoming increasingly unrealistic."<sup>83</sup>

Clearly, India needed a new strategy, and so the MEA once again wrote to Chari asking him to gather the opinion of South African Indians about the kind of resolutions they would want India to put forward at the UN. Consequently, Chari conducted wide ranging talks with leaders of various factions in South Africa. The South African Indian Congress suggested two alternative lines: India should, first, press for a commission of the UN to be sent out to investigate the Indian complaint; and, second, that it should introduce a strongly worded resolution specifically condemning South Africa's racial policies and, if possible, press for South Africa's expulsion from the UN for its racist policies.<sup>84</sup>

The "hardy annual" was placed again on the UN agenda twice in 1952 in the sixth and seventh sessions of the General Assembly, respectively. In January 1952, the General Assembly passed a resolution for appointing a two-member commission, named by India, Pakistan and South Africa, failing which, the UN General Secretary was to appoint someone for this purpose. When this proved unsuccessful, India turned to Chari's earlier advice. In November 1952, India introduced two separate resolutions. The first resolution, 615 (VII),

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<sup>81</sup> See, MEA, "CCB 1195, Foreign, New Delhi, to Quaymans, Cape Town, March 2, 1951;" "CCB 1962, Quaymans, Cape Town, to Foreign, New Delhi, March 3, 1951;" "CCB 2017, Primus, Cape Town, to Foreign, New Delhi, March 5, 1951;" "CCB 1260, Foreign, New Delhi, to Quaymans, Cape Town, March 7, 1951;" "CCB 2133/2134, Quaymans, Cape Town, to Foreign, New Delhi, March 10, 1951": All in MEA, AFR-I, F. 27/51/AFR - I (Correspondence), NAI.

<sup>82</sup> MEA, "CCB 2133/2134"

<sup>83</sup> DFA, "GP Jooste to the Secretary for External Affairs, Pretoria, September 19, 1951," SAB, BVV, Vol. 5, Ref. 10/2, Part II, NASA.

<sup>84</sup> MEA, "R.T. Chari to B.R. Nanda, September 13, 1951," MEA, AFR-I, F. 27-4/51 -- AFR (Secret), NAI.

called for the establishment of a Good Offices Commission by the President of the General Assembly. In another resolution, 616 (VII), India, together with 12 other countries, introduced an apartheid-specific resolution which called for establishing a Commission to study the racial situation in South Africa. While the 1950 Indian resolution had censured apartheid, this resolution helped disengage apartheid in general from the Indian question.<sup>85</sup>

Finally, it seemed that India had found a way to put added pressure on South Africa. By co-sponsoring a separate resolution on apartheid with other African and Asian countries, another front of diplomatic onslaught on South Africa was opened. Importantly, this move had been suggested by South African Indians themselves. South Africa expectedly did not recognize any of these Commissions. But its refusals had, in general, taken the burden of refusing initiatives for talks off India. Now, it was South Africa which seemed more intransigent and insincere with regard to procedures. More generally, as we will discuss below, South African political leadership became increasingly resentful of India and their criticisms of India, both at the UN and outside, turned from calculated to conspiratorial. South Africa had until now criticized India's interference in its domestic affairs and also at times pointed to India's own internal problems, such as Hyderabad and Kashmir, which India had refused to debate at the UN – a shrewd diplomatic line of attack that India had found difficult to fend off. However, the new line of criticism became shriller, as South Africa now accused India of colonial ambitions in Africa.

### **The Swinging Advantage**

In a public speech on 11 August 1953, Malan announced that "India is a danger not only to Africa, but all powers with interest in Africa."<sup>86</sup> Malan argued that India had a nefarious agenda, to colonize Africa in order to offload its excess population. Nehru, he claimed, deliberately took an anti-White stance on all African issues, so that the white man could be driven out of Africa and the Indian could take his place. In another speech, given a few days earlier, Malan had also offered to help Australia in the case of a military threat from India. Malan's parliament speech was so incendiary that R.J. Dutoit, an opposition front-bencher,

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<sup>85</sup> See, MEA, "Annex I: Question of "Treatment of People of Indian origin in the Union of South Africa before the United Nations General Assembly -- History of the Case," MEA, AFR-I/54/6431/28, 1954, NAI.

<sup>86</sup> Anon, "'India is a danger to all Africa': Dr. Malan fears designs to load off nationals," *The Times of India*, 13 August 1953.

accused Malan of practically inviting India to declare war on South Africa.<sup>87</sup> But this was not mere polemic. The foreign affairs department now interpreted India's every move in Africa with a strong suspicion.<sup>88</sup> Similar attacks were launched at the UN, where G.P. Jooste pointed to "how the racial pattern in parts of that Continent is being changed – slowly but surely changed in a manner which cannot leave us in doubt as to the nature of Indian objectives in Africa."<sup>89</sup>

In May 1954, South Africa also asked India to close its High Commission from the country, which broke the last diplomatic link between the two countries. Accordingly, the Indian High Commission, which had proved immensely helpful in devising India's tactics, was shut down on 1 July, 1954.<sup>90</sup> The two countries, as a South African newspaper noted, had reached a "point of no return": "It is a tragic commentary on the whole dispute that while a Soviet consulate functions in Pretoria, the representatives of India should be asked to leave. Have we even less in common with the Indians than with the Russians?" it asked.<sup>91</sup>

Meanwhile at the UN, South Africa continued to refuse to cooperate with any UN-backed initiative. This strategy began to pay off for South Africa, as general opinion within the Assembly swayed towards letting South Africa, India and Pakistan solve the matter outside of the UN. Cuba suggested, informally, that the concerned parties should together seek mediation by a friendly commonwealth country. The white commonwealth had mostly voted in favor of South Africa so India found little use in this suggestion. With little hope for a negotiated solution and with the "movement to have the issue United Nations divest itself of the issue gain[ing] strength,"<sup>92</sup> the MEA also debated internally whether the original Indian item should be merged with the broader question of racial conflict that had been introduced in 1952. Since the anti-apartheid resolutions at the UN were more condemnatory than conciliatory, India could then focus on gathering support for more effective measures such as sanctions amongst other UN members.

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<sup>87</sup> Anon, "India is a danger to all Africa"

<sup>88</sup> DFA, "D.B. Sole to R. Jones, September 3, 1953," SAB, BPA, Vol. 5, Ref. 18/10, NASA.

<sup>89</sup> G.P. Jooste, "Treatment of People of Indian Origins in the Union of South Africa, Statement by Ambassador G.P. Jooste in the Ad-Hoc Committee, 19 October 1953," SAB, BVV, Vol. 5, Ref. 10/2, Part 3, NASA.

<sup>90</sup> See, MEA, AFR-I, F. A1/54/1722/28 (Correspondence), 1954, NAI.

<sup>91</sup> Anon, "Point of no return", *Rand Daily Star*, June 28, 1954.

<sup>92</sup> MEA, "Rajeshwar Dayal to S. Dutt, July 16, 1954," MEA, AFR-I, F. A1/54/6431/28 (correspondence), 1954, NAI.

The dominant opinion within the MEA was that, although there was a general opposition to South Africa's racial policies, other countries would not go so far as to impose sanctions. Furthermore, even strategically, it made more sense, K. Jaspal of the MEA argued, to not merge the two issues. First, winding up the Indian issue would be misunderstood as weakness on India's part in the face of the tough policy pursued by Malan. Second, this would imply that the UN had failed to settle the issue, which would be contrary to India's long-standing claim that the issue could only be resolved through the UN. Third, this item helped to condition public opinion around the globe against South Africa's racial policies. Fourth, from the point of view of South Africa's objections about domestic jurisdiction, the Indian item was on safer ground than the apartheid item, since India had always claimed the former to be an issue that affected relationships between three countries, which it did by referencing the agreements of 1927 and 1932 as international treaties. Fifth, the withdrawal of the issue would send a wrong signal to the Indian diaspora, not just in South Africa, but also in the rest of the continent.<sup>93</sup> This latter concern was particularly important because the Indian government had repeatedly maintained that Indians in African countries must identify themselves with the countries of their residence.<sup>94</sup> The diaspora, already feeling alienated, would be further disgruntled if India stopped fighting for their just cause. Finally, one could not discount the possibility of "a miracle happening", especially if through the UN a "mediator of sufficiently great stature" was able to influence matters.<sup>95</sup> Accordingly, the Ministry's advice to India's UN delegation was to pursue the option of a single mediator of a high standing, appointed by the UN General Secretary.<sup>96</sup>

At the United Nations, the Latin American group, at the behest of Brazil, introduced a resolution for direct negotiations between India and South Africa. This was contrary to India's position, but after the Latin Americans emphasized that it was South Africa's "last chance", and India was allowed to add an amendment that if, within six months, the parties had not reached an agreement, the UN Secretary General was required to designate a

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<sup>93</sup> K. Jaspal, "Note, July 30, 1954," MEA, AFRI-I, F. A1/54/6431/28 (notes), 1954, NAI, pp. 4-7.

<sup>94</sup> On how this position was developed, see Itty Abraham, 'Bandung and state formation in post-colonial Asia', in See Seng Tan and Amitav Acharya (eds.) *Bandung Revisited: The Legacy of the 1955 Asian African Conference for International Order*, Singapore: National University of Singapore, 2008, p. 48-67.

<sup>95</sup> Apa Pant, "Note, August 2, 1954," MEA, AFRI-I, F. A1/54/6431/28 (notes), 1954, NAI, p. 7-8.

<sup>96</sup> K. Jaspal, "S.No. 16, October 22, 1954," MEA, AFRI-I, F. A1/54/6431/28 (notes), 1954, NAI, p.18.

mediator to assist the three countries in settling the dispute, the resolution was passed on 4 November, 1954.<sup>97</sup>

In a significant turn of events, on 30 November, 1954, Malan resigned and J.G. Strijdom became the Prime Minister in South Africa. Strijdom was even more to the right of Malan, and India thus expected him to take a stronger position. In a surprise move, however, his government proposed talks subject to them being outside the UN. This seemed propitious, and both India and Pakistan responded positively. But South Africa u-turned, abandoning the proposal, and citing two recent speeches that Nehru had made in India, criticizing South Africa's racial policies. This whole exercise turned out to be a farce. Evidently, South Africa wanted to signal to the UN that it was interested in solving the matter, but India sabotaged South Africa's initiatives. Expectedly, when the Brazilian diplomat, Luiz de Faro, jr., was appointed as a mediator by the Secretary General, as required by the 1954 Resolution, South Africa refused to acknowledge him. Furthermore, in a letter to the Secretary General on 6 July, 1955, South Africa's Foreign Minister, Eric Luow, declared that as far as South Africa was concerned, the matter was closed and South Africa would not participate in any further discussions.<sup>98</sup>

South Africa's new strategy seemed to pay-off, at least initially. Before the 1955 session of the General Assembly began, the Indian representative to the UN, Arthur Lall, approached his South African counterpart informally. Lall proposed that India would be ready to negotiate outside the UN, through a secret assurance to the "secretary general to resume negotiations through the US, UK or any other reasonable delegation."<sup>99</sup> New Delhi considered it better to make these suggestions through New York rather than from Delhi directly, so as to "avoid the appearance of a climb down."<sup>100</sup> However, South Africa turned this proposal down too.

The 'treatment of Indians' item came yet again in front of the Ad Hoc political committee and on 15 December, 1955, the General Assembly passed it for the tenth time in

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<sup>97</sup> MEA, "Krishna Menon to Jawaharlal Nehru, November 25, 1954," MEA, AFRI-I, F. A1/54/6431/28, (correspondence), 1954, NAI, pp. 22-23.

<sup>98</sup> MEA, "Item No. 20: Tenth Session of the General Assembly," MEA, AFR-I, F. 5(1)/55 -- AFR - I, p. 72, (Correspondence), NAI, pp. 92-94.

<sup>99</sup> DFA, "D.B. Sole to W.C. Du Plessis, September 8, 1955," SAB, BVV, Vol. 5, Ref. 10/2, Part III, NASA.

<sup>100</sup> DFA, "D.B. Sole to W.C. Du Plessis, September 8 1955"

its eleventh sessions. This time, however, the Latin American-backed resolution seemed to be even more conciliatory towards South Africa, which prompted even US to vote in favor of the resolution. The resolution asked the two sides to negotiate, but, significantly, it did not re-inscribe the item for the following year, neither did it refer to any of the previous resolutions on this item. South Africans considered this a major victory because it meant that, unlike in the past, the item would not automatically appear on the UN agenda in 1956 and that the 1955 resolution had "wiped the slate clean" as it did not bind South Africa to any of the previous resolutions.<sup>101</sup> The South African delegation wrote to its Pretoria headquarters that this had been achieved through "the strenuous efforts of the United Kingdom to encourage influential members of the committee to adopt a reasonable approach... the important role played by Brazil, ... the conciliatory attitude followed by Mir Khan, the Pakistani representative, who (according to the British) may have gone beyond his Government's instructions". Besides, "most UN members are bored of the whole controversy ... [and, 'treatment of Indians' is] an item which has become sterile."<sup>102</sup>

South Africa's repeated stonewalling of the issue had begun to turn the tide in its favor; not because of its moral or political merit, but purely because the issue had lost its validity for other UN members. Indeed, even India's other item on 'apartheid' was drawing dwindling support. During 1954 and 1955, five Latin American countries changed their votes from support or abstention to abstention or against, respectively, due largely to the US and the UK doing South Africa's bidding.<sup>103</sup>

This also pushed India to make considerable concessions in its stance, all but dropping its insistence on keeping the negotiations within the UN mandate. Keen to maintain the diplomatic advantage, the South African delegation at the UN wrote to Pretoria asking them not to say a categorical no if India once again approached them for negotiations. This was, the delegation emphasized, also the considered view of other supportive delegations and would prevent the item from coming back to the UN.<sup>104</sup>

## The Tide Turns

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<sup>101</sup> DFA, "D.B. Sole to W.C. Plessis, 22 December 1955," SAB, BVV, Vol. 5, Ref. 10/2, Part III, NASA.

<sup>102</sup> DFA, "D.B. Sole to W.C. Plessis, 22 December 1955"

<sup>103</sup> M.A. Hussain, "Note, December 12, 1955," MEA, AFRI-I, F.4 - 1/56/AFR-I (notes), 1956, NAI.

<sup>104</sup> DFA, "D.B. Sole to W.C. Plessis, 22 December 1955"

India once again initiated talks. In a strategically worded letter, the Indian government referred to the 1955 resolution as a basis for negotiations and suggested that these talks be held between the UN representatives of the two governments in New York.<sup>105</sup> This was a clever move. India had signalled strong intent to negotiate with South Africa to the world community by referring only to the 1955 resolution and not the UN Charter or previous, more stringent, resolutions. But, it had also ensured that the UN was implicitly involved through the 1955 resolution, which was a red herring to South Africa. The suggestion to hold talks among representatives to the UN in New York was another subtle tactic to legitimize the UN's involvement in these talks. Now, as South Africa's UN representative had suggested, South Africa needed to signal that it was at least interested in negotiations, and that an alternative proposal which protracted negotiations until after the General Assembly session – which India would anyway doubtlessly reject – would put the blame back on to India.<sup>106</sup> But, Pretoria did exactly the opposite. Against the advice of its UN delegation, Pretoria out-rightly rejected India's offer, but in so doing, provided India with a stronger hand. For, it became quite easy for India to ask the UN secretariat to re-inscribe the item on the agenda as nothing had been achieved.<sup>107</sup>

Sixteen new members were admitted to the UN in 1956, mostly from Soviet East European group and Asia. This gave the Indian-backed resolution a greater chance of success. In discussions on the re-introduction of the Indian item, Krishna Menon for India and Eric Louw for South Africa<sup>108</sup> squared-off against each other.<sup>109</sup> Sixty-three countries voted in favor of inscription, thirteen abstained and only two, Italy and South Africa, opposed.<sup>110</sup> A few days later, Eric Louw declared that South Africa was disappointed with the UN and as a protest measure it would only maintain a token presence in New York.<sup>111</sup> Louw had hoped that South Africa's tough posture would once again push the western

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<sup>105</sup> MEA, "Arthur Lall to D.B. Sole, May 21, 1956," MEA, AFR-I, F. 5 - 1/56 (Correspondence), 1956, NAI, p. 16

<sup>106</sup> DFA, "D.B. Sole to the Secretary for External Affairs, Cape Town, May 25, 1956," SAB, BVV, Vol. 5, Ref. 10/2, Part III, NASA.

<sup>107</sup> MEA, "D.B. Sole to Arthur Lall, July 5, 1956," MEA, AFR-I, F. 5 - 1/56 (Correspondence), 1956, NAI, p. 23.

<sup>108</sup> Both had reputations of being eccentric diplomats, Menon notorious for being Nehru's "evil spirit" while Louw earned himself the moniker "South Africa's Goebbels" during the Second World War. See, Octavio Paz, *In Light of India* (Delhi: Rupa, 1990); Benjamin Pogrund, *How Can Man Die Better: The Life of Robert Subukwe* (Johannesburg and Cape Town: Jonathan Ball, 1990), p. 161.

<sup>109</sup> Union of South Africa, *Proceedings at the United Nations January, 1956 to January, 1957: Treatment of Indians in the Union of South Africa* (Pretoria: Government Printer, 1957).

<sup>110</sup> Union of South Africa, *Proceedings at the United Nations*, p.6.

<sup>111</sup> Union of South Africa, *Proceedings at the United Nations*, p.6.

nations, who would lose their numerical majority in the UN without South Africa,<sup>112</sup> to take a more pro-South Africa stand. But, to Louw's disappointment, this did not happen. When a pro-India resolution came to the vote at the General Assembly in January 1957, 42 polled in favor, 12 abstained and, significantly, in South Africa's absence, no one opposed.<sup>113</sup> In November 1957, the voting was even more unequivocal: 64 in favor, 15 abstentions and none against.<sup>114</sup>

While South Africa was clutching at straws for international support, Pakistan surreptitiously extended it a lifeline. Informally reaching out to the South African delegation at the UN, Pakistan's permanent representative, Mir Khan, requested settling the issue separately with his country. As discussions between the Pakistani and South African delegations at New York progressed, the two sides arrived at a "formula" for negotiations. This "formula" envisioned the creation of a separate community of Muslims of Indian origin in South Africa, estimated at around 50,000 people (barely 0.5% of South Africa's population). Pakistan proposed that, while the Group Areas Act should be applied to all racial groups, certain "administrative adaptations" could be made with regard to Indian Muslims, which separated them from all other non-European racial groups. Such adaptations included, for instance, a more liberal allocation of land for residence, relaxed provisions for trading rights, and separate allotments for sites for educational and religious purposes. In essence, it meant that Pakistan did not have any issue with either the principle or wide-scale application of racial discrimination in South Africa. As long as the Indian Muslim community was treated on a slightly favourable basis over other non-European communities – especially, Hindu Indians – Pakistan was willing to drop its opposition to South Africa at the UN and resume full diplomatic ties. Interestingly, while in the immediate post-independence years, Pakistan viewed South African Indians through the category of statehood ("only 80 Pakistanis"), in 1956 it officially became a theocratic state, and thus now concerned itself with all Indian

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<sup>112</sup> By 1957, the Afro-Asian bloc had become the biggest bloc at the UN with 27 countries. Louw had warned that western nations could only count on the support of 41 countries, while the East European, Afro-Asian and their three Central American supporters had 40 members. Without South Africa's crucial vote, western countries would lose their majority in the General Assembly. See, Union of South Africa, "South Africa's foreign minister states his case, re. the withdrawal from the United Nations," Hansard Report, June 10, 1957, SAB, BPA, Vol. 5, Ref. No. 18/12, NAI.

<sup>113</sup> Union of South Africa, *Proceedings at the United Nations*, p. 17.

<sup>114</sup> Union of South Africa, *Proceedings at the United Nations February, 1957 to November, 1957: Treatment of Indians in the Union of South Africa* (Pretoria: Government Printer, 1958), p. 7.

Muslims. To negotiate further with South Africa on this “formula”, Khan, with the concurrence of Pakistan’s foreign affairs ministry, appointed Essop Mohammed Bhabha to visit the country. As a South African-born Pakistan-based industrialist, Bhabha was seen as an ideal candidate to negotiate on behalf of Pakistan, and to convince South African Muslims to agree to this proposal.<sup>115</sup> However, an ironical turn of events led to the breakdown of these talks. It turned out that Bhabha had an arrest warrant against him in South Africa, for fleeing the country in 1951 on the charges of falsities and theft. South Africa had indeed unsuccessfully tried to secure his extradition from Pakistan in 1953. South African diplomats realized this at the very last minute and the visit was cancelled.<sup>116</sup>

At the UN, meanwhile, the regular pattern continued until 1960. India would bring up the issue, discussions would proceed and eventually a resolution would be adopted. By now even Indian diplomats felt that the issue had outrun its usefulness. While India had secured considerable international support, the resolutions in themselves applied little pressure on South Africa to change its internal policies. UN members, especially the US, had conveyed to India that these resolutions had become “repetitive and somewhat useless” and new measures were needed.<sup>117</sup> Further, behind the scenes, South African diplomats had convinced Canadians that the passage of these resolutions had become dangerous for the existence of the Commonwealth.<sup>118</sup>

India now considered a US proposal to resume diplomatic ties with South Africa. An MEA internal note recommended that if the Union proposed to open a mission in India, India would not only welcome it but also provide all the facilities.<sup>119</sup> Indian diplomats were also receptive to a suggestion by the International Quaker Organization, made in 1959, for bringing a resolution which was relatively aligned with South Africa's position. While generally referring to racial tensions around the world, this resolution suggested the establishment of a commission of five outstanding persons to facilitate the sharing of experiences of multi-racial societies with other countries. South Africa’s UN delegation was

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<sup>115</sup> DFA, “DB Sole to GP Jooste, January 31, 1957,” SAB, BVV, Vol. 13, Ref. 11/2/A, NASA.

<sup>116</sup> DFA, “DB Sole to M. Mir Khan, April 9, 1957,” SAB, BVV, Vol. 13, Ref. 11/2/A, NASA. For more on this episode, see CITATION REMOVED FOR PEER REVIEW

<sup>117</sup> A.K. Mitra, “Treatment of Indians in the Union of South Africa, January 4, 1960,” MEA, AFR (S), F. 2/60 -- AFR-I (notes), 1960, NAI, p. 4-6.

<sup>118</sup> A.K. Mitra, “Treatment of Indians”

<sup>119</sup> S.N. Basu, “Note, February 11, 1960,” MEA, AFR (S), F. 2/60 -- AFR-I (notes), 1960, NAI.

given to understand that this would be the only resolution on the question of race at the UN and all others would be dropped. South African diplomats believed that this was meant to give India and Pakistan a face saver to terminate "the annual sterile debate."<sup>120</sup> The South African representative to the UN strongly recommended to Pretoria that it accept this approach as the Commission would also inadvertently propagandize for the Union by highlighting racism in other parts of the world.<sup>121</sup> Louw, however, once again rejected his representative's advice, believing instead that the Quaker resolution was an Indian ploy to keep the issue alive by other means. He was convinced that the Union's hardline approach of boycott had made India and Pakistan vulnerable. Hence, all initiatives must be completely shunned; a process which would eventually kill the two anti-South Africa resolutions.<sup>122</sup>

Louw's hardline tactics had already pushed South Africa into a corner. His own speeches made matters worse. Engaging in a "policy of reciprocal besmirching",<sup>123</sup> Louw, the "undiplomatic diplomat",<sup>124</sup> succeeded in offending a large number of countries with his accusatory tone. So, while India was chastised for its caste system, suppression of the Nagas, and racial ill-treatment of African students studying in Indian universities, Brazil was told about the lack of democracy, Sweden and Norway were reminded about the condition of Lapp minorities in their countries, treatment of native Indians was pointed out to the Canadians, and so on.<sup>125</sup>

However, what completed South Africa's isolation were the events of 21 March, 1960, when the South African security forces fired on unarmed, non-violent protestors in Sharpeville, killing 69 people. The Sharpeville Massacre drew South Africa worldwide condemnation. In the Indian parliament, Nehru equated Sharpeville with the Jallianwala

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<sup>120</sup> DFA, "Despatch, South African delegation to the United Nations, New York, to Secretary for External Affairs, Pretoria, November 26, 1959," SAB, BVV, Vol. 5, Ref. 10/2, Part III, NASA.

<sup>121</sup> DFA, "Despatch, November 26, 1959"

<sup>122</sup> DFA, "Despatch, Secretary for External Affairs, Pretoria, to South African delegation to the United Nations, New York, November 30, 1959," SAB, BVV, Vol. 5, Ref. 10/2, Part III, NASA.

<sup>123</sup> Pieter Wolvaardt, *A Diplomat's Story: apartheid and Beyond* (Johannesburg: Galago, 2006), p. 40

<sup>124</sup> A.J. Van Wyk, "Eric Louw: Pioneer Diplomat, 1925-1927," in Thomas Wheeler (ed.) *History of the South African Department of Foreign Affairs, 1927-1966* (Johannesburg: South African Institute of International Relations, 2005), p. 32.

<sup>125</sup> Patrick van Rensburg, *Guilty Land* (London: Jonathan Cape, 1962), pp. 26-27; Pieter Wolvaardt, *A Diplomat's Story*, pp. 47-48

Massacre of 1919.<sup>126</sup> Harold Macmillan, the British Prime Minister, warned South Africa of 'winds of change' in his visit to the country, and considering that the UK had tacitly been the most consistent defender of South Africa (barring Australia) at the United Nations, this was a major foreign policy setback. Importantly, the color composition within the Commonwealth had also changed drastically by this time. With countries like Ghana, Ceylon, Malaya joining India and Pakistan, the white settler colonies no longer enjoyed their earlier dominance. Kwame Nkrumah of Ghana and Tunku Abdul Rahman from Malaya were particularly critical of apartheid and the latter, in fact, had called for the inclusion of apartheid in the Commonwealth Conference agenda in 1960. In this Conference, South Africa, represented by Louw, escaped official condemnation, but the final communique did, for the first time, add a general reference to racial discrimination. In the informal discussions, Louw faced stringent criticism and, as he confessed, he found himself in a position akin to that of General Smuts at the UN in 1946.<sup>127</sup> By the next year, however, pressured by the African-Asian members, and particularly, India, Ghana and Malaya, the Commonwealth Conference included discussions on apartheid on its agenda alongside discussions on South Africa's decision to become a republic. Consequently, in 1961, South Africa withdrew its membership from the Commonwealth after some African-Asian members threatened to leave the Commonwealth if South Africa remained in it.<sup>128</sup>

Back at the UN, a "hurricane of abuse" followed South African diplomats.<sup>129</sup> In November 1962, the African-Asian countries succeeded in securing a General Assembly resolution, 1761 (XVII), on diplomatic, military and economic sanctions against South Africa. Furthermore, a UN Special Committee on Apartheid was appointed. This was actually a merged resolution of the two Indian-backed items on the "treatment of Indians" and "apartheid. After seventeen years, India finally decided to drop its separate resolution and combine it with the broader racial question in South Africa.

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<sup>126</sup> Enuga S. Reddy, "Introduction," in T.G. Ramamurthi (ed.) *South Africa India: Partnership in Freedom and Development* (New Delhi: Indian Council for Cultural Relations and New Age International Publishers Limited, 1995).

<sup>127</sup> FJ Nothling, "South Africa and the United Nations, 1945-66", in Thomas Wheeler (ed.) *History of the South African Department of Foreign Affairs, 1927-1966* (Johannesburg: South African Institute of International Relations, 2005).

<sup>128</sup> For discussions on South Africa's withdrawal from the conference, see SAB, BLO, Vol. 450, Ref. PS26/13/17 -- Commonwealth Prime Ministers' Conference Political, NASA.

<sup>129</sup> Theresa Papenfus, *Pik Botha and His Times*, Trans. Sandra Mills (Pretoria: Litera, 2010), p. 72.

India's decision to merge its 'treatment of Indians' item with the item on apartheid was prompted by multiple factors. First, as we have argued above, the former had become a hardy annual which, despite the general agreement with India's complaint, was seen as a fruitless effort to coax South Africa into negotiations. India and the UN had tried everything – direct negotiations, good officers' commissions, a single mediator, and informal channels – yet, year after year, nothing came of avail. India generally succeeded in garnering the sympathy of the world, but beyond that, no result was visible. Second, the resolutions on the 'treatment of Indians' were aimed at forcing South Africa to negotiate. But, as the post-1960 criticism of apartheid mounted, it became easier to push for a more condemnatory resolution. Further, many African nations felt that the Indian item would scuttle the condemnatory spirit. While the African-Asian nations were calling for sanctions on South Africa, a separate, milder resolution on negotiations with the country was counter-productive. Third, the 'treatment of Indians' issue was kept alive largely to signal India's concern to South African Indians. Post-1960, however, it made little sense to distinguish between Indians and other non-European groups, since the South African struggle had unified non-European communities. Fourth, in the past, India had argued that the 'treatment of Indians' item placed India on a better footing in criticizing South Africa's 'domestic jurisdiction' argument, so, strategically, the Indian issue could be used to highlight racial discrimination in general. However, after Sharpeville, South Africa's 'domestic jurisdiction' found no supporters and hence the treatment of Indians issue also lost its strategic value. Even the Commonwealth, where South Africa had most successfully guarded itself against criticism of its internal matters, had to change its policies with regard to apartheid South Africa.

## Conclusion

The burden of this article has been to rescue the 17 year-long and eventful life of the 'treatment of Indians' item at the UN from being erased from our historical memory. Accordingly, we have remained steadfastly, and somewhat rigidly, loyal to retrieving the archives. This effort is partly directed towards adding empirical meat to the usual studies on India-South Africa relations which are, more often than not, narratively thin and

analytically romanticist.<sup>130</sup> While India is often hailed as one of the most significant supporters of the struggle against racism in South Africa, and the 1946 Resolution is held as an important signpost, the fact that we know very little about how India's support to the South African struggle was actually concretized from the late-1940s to the early 1980s attests to this peculiar historical amnesia.

The narrative in this article, however, also helps us to make a broader point about reading India's diplomatic practice. The story of India's fight against racism was not one purely of moral positioning, as it is often assumed. Whether it was the question of taking up the Indian issue at the UN in 1946, or choosing to keep the Indian item and the apartheid item separate in 1952 and merging them in 1962, or various offers of negotiations, or the fact that as late as 1960 India was considering resuming diplomatic ties with South Africa, Indian diplomacy maneuvered strategically among a set of contextualized choices. The generalized assumptions about 'Nehruvian idealism' that present to us with a picture of a highly 'emotional,' 'wooly-headed' diplomatic practice are, as we have seen above, far from the truth.<sup>131</sup> The realism/idealism binary that is often used to analyze foreign policy practice does a great disservice to both our past and our present.

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<sup>130</sup> The sole exception to this is the rigorous work on Enuga S. Reddy.

<sup>131</sup> A illustrative sample of this approach would be; Ashok Kapur *India – From Regional to World Power* (New York: Routledge, 2006) and Harsh Pant "Introduction," in Harsh Pant (ed.), *Indian Foreign Policy in a Unipolar World* (New Delhi: Routledge, 2009).