CHAPTER III
As pointed out in the previous chapter, since the first session (1946) of the United Nations General Assembly, the Union of South Africa was in the dock at the United Nations in respect of its policy of racial discrimination against its people of Indian origin. Even though for many years the Government of the Union of South Africa had been following the "apartheid" policy, under which it had not only intentionally encouraging discrimination based on race among the inhabitants of the Union, but had also been incorporating the tenets of racial segregation in the legislative structure of the Union, only at the seventh session (1952) of the General Assembly the question of "apartheid" in South Africa was included as a separate item for consideration. The significance of "apartheid" as a distinct item—notwithstanding its common features with the Indian complaint—in the General Assembly of the world body was more profound. The Indian question presented the United Nations a problem only in the light of India's relation with some other nation, the Union of South Africa. But now the whole problem, the "apartheid" philosophy of a government was laid on the examination table of the General Assembly of the world forum. But the Union of South Africa took the same stand as in the
previous case that under the provision of Article 2(7) of the
UN Charter, this question was a matter within its domestic
jurisdiction and therefore, the General Assembly was precluded
by the Charter from deliberating upon it. The Assembly refu-
sed to sustain this objection and in fact went a step further
by establishing a three-member Commission for the purpose of
studying racial situation within the Union of South Africa.

The Commission came to the conclusion that
"apartheid" was a policy based on scientifically wrong
precepts, and this might disturb internal peace and inter-
national relations. It also held the view that the Assembly
had the power "to intervene" in this question. A resolution
passed in the ninth session (1954) invited the Union
Government to reconsider its position in the light of the
Charter and requested it to find a peaceful settlement of
the problem on the basis of equal rights and liberties for
all its citizens irrespective of the colour of their
skin.


2 Resolution No. 616 (VII).

Situation in the Union of South Africa, GA/51, sess 2,

4 Resolution No. 320 (IX).
Disregarding this request of the Assembly, the Union Government between August 1954 and July 1955 enacted a series of legislation intensifying further the "apartheid system". The resolution passed in the next session (1955) expressed its concern at the fact that the Government of South Africa continued to give effect to the policies of "apartheid" and called upon the South African Government to observe the obligations contained in Article 56 of the Charter. The resolution passed in the next session (1956) also, like the earlier resolution, again called upon the Government of South Africa to reconsider its "apartheid" policy.

But the Government of South Africa from 1952 to 1956, contrary to the repeated requests of the Assembly, consolidated its "apartheid" system. In these years, it also held on to the plank of Article 2(7) and did not cooperate with the United Nations Commission on the question of "apartheid".

During all these years (1952 to 1956) the Liberal Party of Canada, which was in power in Ottawa, consistently


6 Resolution No. 917 (X).

7 Resolution No. 1016 (XI).
maintained that though the Assembly was competent to discuss the matter, any action beyond discussion and the expression of concern raised legal problems, because of Article 2(7) of the Charter. Accordingly, Canada disfavoured the establishment of the UN Commission in 1952 and in each of the following sessions till 1956 opposed its continuance.

Conservative Government's Attitude from 1957 to 1961

By the time the question of "apartheid" came up for consideration in the twelfth session (1957), the Progressive Conservative Party of Canada had come to power in Ottawa. In 1957, immediately after assuming office, the Conservatives reversed the earlier Liberal Government's stand of favouring discussion on the question of "apartheid" in the General Assembly, because the Conservative Government anticipated (even before the commencement of any discussion on this question in the Assembly in 1957) that the efforts of the Assembly in its 1957 session would surely be a venture in

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3 GACR, sess 7, Ad Hoc Pol. Ctte., pp. 112-13; session 8, Ad Hoc Pol. Ctte., pp. 177-8; sess 9, Ad Hoc Pol. Ctte., p. 231; Department of External Affairs, Ottawa, Canada and the United Nations, 1956-57 (Ottawa, 1957), p. 25. F.H. Soward and Edgar Meinins rightly took the view that the frequency with which the Liberal Government of Canada abstained on resolutions dealing with these matters raised the suspicion that alleged doubts about the law and facts was a cloak for Canada for its unwillingness to take a stand that would offend friends. Canada, according to them, seemed well placed to assume a more positive role in the search for compromises consistent both with moral principle and with constitutional competence. F.H. Soward and Edgar Meinins, Canada and the United Nations (New York, 1956), p. 215.
futility. It came to this conclusion because, in the words of the Canadian delegate to the United Nations, "the resolutions adopted at the previous five sessions had not resulted in any improvement in the racial situation in South Africa, and ... the adoption of a similar resolution at the current session would not help to solve the problem". This behaviour of Canada made it clear to the Afro-Asian members of the United Nations in general and the Afro-Asian members of the Commonwealth in particular that the new Government of Canada did not share their feelings on this issue.

In 1957, Canada abstained from voting for a resolution passed by the Assembly on 26 November 1957 which in its preamble noted that the policies of "apartheid" were inconsistent with the Charter. In its operative paragraphs, the resolution (1) deplored the fact that the South African Government had not yet responded to the requests made a year ago by the Assembly in its resolution on this question (That resolution urged the Government of South Africa to change its racial policy in the light of the principles of the Charter); (2) again drew the attention of the Union Government to that resolution; and (3) appealed to the Union Government to revise its policy in accordance with the high


10 Resolution No. 1178 (XII).
principles of the Charter and of world public opinion, and
to inform the UN Secretary-General of its response. At this
session, the Canadian representative made it clear that it
"would be prepared to support a ... resolution of a general
nature designed to remind all States, of the obligations of
the Charter in respect of the observance of human rights", 11
and as the above-mentioned resolution particularized South
Africa, it abstained from voting on this resolution.

In the next session (1963) this question was again
included in the agenda, but without a vote being taken for
that purpose. The resolution passed on this session on
30 October 1963 12 was similar to the one passed in 1957; the
only significant difference that could be seen between the
two resolutions was that the 1963 resolution called upon all
member states of the United Nations also to bring their
policies into conformity with their obligation under the
Charter to promote the observance of human rights and funda-
mental freedoms. Canada for the first time voted in favour
of this resolution. The Canadian Department of External
Affairs opined that this resolution "had been formulated in
a spirit of goodwill towards South Africa and with apprecia-
tion of the complexity of its problems." 13 In fact Canada

11 GAOR, a. 9. Emphasis added.
12 Resolution No. 1248 (XIII).
13 Department of External Affairs, Ottawa, Canada and
desired the 1958 resolution to be as mild as possible. One of the Canadian delegates to the United Nations in 1958, William J. Brown, also the Solicitor-General of the Government of Canada pointed out later in the Canadian House of Commons: "we took a part in drafting the resolution so that it would be inoffensive to South Africa."\(^{14}\)

The resolution passed in the next session (1959) on 17 November 1959\(^ {15}\) on this question was substantially the same as that of the resolution passed on this question in 1958, but some minor changes were noticeable, i.e. in one of the paragraphs of the 1958 resolution, the Assembly expressed its deep regret and concern over the non-compliance of South Africa with the Assembly's repeated appeals to change its racial policy, whereas the corresponding paragraph of the 1958 resolution merely regretted and expressed concern over the same. Again, in the 1959 resolution, a new paragraph, appealing to all Member States to use their best endeavours as appropriate to achieve the purposes of this resolution, was added. Canada abstained from voting on this resolution because, in the view of the Canadian Department of External Affairs, some paragraphs of the 1959 resolution "introduced a condemnatory note which, in the judgement of the Canadian

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15 Resolution No. 1375 (XIV).
Delegation would not have led to any favourable change of attitude on the part of South Africa. 16

In Assessment of Canadian Stand from 1957 to 1969

In these years (1957 to 1969), Canada in the United Nations was not prepared to make a clear and categorical statement denouncing South Africa's "apartheid" policy. In the face of mounting world-wide criticisms of, and antipathy to, that policy and at a time when an overwhelming majority of the countries, including quite a number of Western countries, were coming out with strong views and feelings, and especially when many Canadians themselves had strong feelings about the events in South Africa, the Canadian Conservative Government's soft stand with regard to the "apartheid" question, calls for an explanation. The public statements of the official spokesmen of Canada in defence of the Government's policy on this matter implied that by adopting such a policy, Canada could gain the goodwill of South Africa and thus achieve the confidence of South Africa, so that, in turn, Canada could exert some influence through diplomatic channels to make South Africa change its "apartheid" policy. A.H. Smith, a Canadian delegate to the United Nations in 1959 made a reference to this when

he said in the Canadian House of Commons:

... our chief concern is ... how can we work with them [South Africa] so as to achieve their confidence and assist their government in correcting their own problem?

We will not gain anything merely by passing one resolution after another denning a situation for which no solution has been produced in past years, whereas by retaining their confidence we can work with them and thus accomplish the objective which is of concern to this house and the people of the world. 17

The then Canadian Secretary of State for External Affairs, Howard Green, also made an indirect statement to this effect: "We have been able to use our influence for the modification of policies we do not like, but to come out and condemn a fellow member of the Commonwealth [South Africa] as has been suggested, would be unwise in our opinion." 18 But persuading the South African Nationalist Government, which had an almost religious conviction on the righteousness of its "apartheid" policy, is surely a Himalayan task which was obviously beyond the Canadian government's resources or competence. A high ranking Canadian official who served in the Canadian High Commission

18 Ibid., p. 940.
in Pretoria during these years (1956 to 1959) personally 
confided the view to the author\(^\text{19}\) that officers of his 
High Commission did not seriously enter into any such 
endeavours, as they knew very well that it would be an 
adventure in futility. But in Ottawa, the Canadian 
Government had expressed its concern about the events in 
South Africa to the Acting South African High Commissioner 
in Canada.\(^\text{20}\) The then Canadian Prime Minister, John 
Diefenbaker, in his talks with the author in July 1968 in 
Ottawa, revealed that the meetings he had with the South 
African High Commissioner in the early months of 1960 was 
quite fruitless.\(^\text{21}\)

It appears that there were some other reasons which 
were responsible for the Conservative Government’s compro-
mising attitude towards South Africa’s racial policy from 
1957 to 1959. One among them seems to be that a moderate 
policy on this question on the part of other nations, might 
strengthen the liberal forces inside South Africa which

\(^{19}\) Interview in Ottawa in June 1968.

\(^{20}\) Canada, House of Commons, Standing Committee on 
External Affairs, Minutes of Proceedings and 

\(^{21}\) Interview in Ottawa in July 1968.
were then (as of now) in opposition. Of course, Canada's abstention on the 1957 and 1959 resolutions of the General Assembly on "apartheid" and its Representative's conciliatory speech in the General Assembly in 1958 which was made mainly to soften its vote for the 1958 Assembly resolution, were widely publicised in the South African English (and possibly also in the Afrikaans) language daily press, but this would have little of the intended effect on the general South African Whites, because the above-mentioned behaviour of Canada in the General Assembly would surely be interpreted by the South African Whites as an indication of Canada's lukewarmness; thus it would have had little influence on South African opinion in the way Canada wanted.

The desire for Commonwealth solidarity was quite possibly yet another reason for Canada adopting such a posture. Diefenbaker told a delegation of the Canadian Labour Congress in January 1960: "The essence of the Commonwealth is the independence of its members. I ask you what would be our reaction in Canada if some other

22 The Canadian Liberal Government also (from 1952 to 1956) appeared to have held this view. L.B. Pearson revealed later on 27 April 1960 that the Liberal Government feared in those days that outright and formal condemnation of the South African government would weaken rather than strengthen the liberal forces inside South Africa because that kind of attack by condemnation from outside very often made all the White South Africans rally behind their government. Canada, n. 14, vol. 3, 1960, p. 3322.
part of the commonwealth were to criticize us."  

Thus Diefenbaker felt that openly criticizing the South African Government's racial policies violated an important principle of the Commonwealth association. But it is neither an obligation nor even a convention in the Commonwealth of Nations that one member of the Commonwealth should not criticize any policy of another member with international implications, if it strongly disapproved such a policy. Indeed, if that were not the case, then, belonging to the Commonwealth compromises a member's independence of policy and action. As Lester Pearson correctly put it: "Have we the right in the Canadian parliament to intervene and express our views and have those views made known to the government of South Africa? I think we have not only that right, but now we have that duty."  

The sentimental attachment of the leaders of the Canadian Conservative Party towards the South African statesmen like Field Marshal Smuts also influenced the

23 Quoted by L.B. Pearson, ibid., p. 3323. Hazen Argue, leader of the Canadian Co-operative Federation Party disagreed with Diefenbaker on this point. He felt that as far as racial discrimination was concerned, there should not be one attitude to one group of nations and a different attitude towards other groups of nations. Ibid., p. 2452.

24 Ibid., p. 3323.
Conservative Government's policy in this regard. Howard Green said in the House of Commons:

Just about 60 years ago the Boers in South Africa were fighting a valiant battle against the British empire with Canadian troops, participating against them. After that war, they were offered self-government and the great Boer leaders General Botha and General Smuts took the lead in accepting that offer and in setting up an independent government in that country. Within a few short years world war I broke out and they actually put down rebellion in their own country by one of their fellow generals in the Boer war of a degree earlier and their troops fought beside us throughout the world war.

In the intervening years General Smuts as Field Marshal Smuts became one of the outstanding world statesmen of my time. Other than Sir Winston Churchill there were probably no more outstanding world statesmen contemporary with Field Marshal Smuts. He made a great contribution towards world peace.

In world war II South Africa was with us again. Before we talk of voting against South Africa ... I suggest that all Canadians should just stop and think for a few minutes. 25

Diefenbaker in his talks with the author also spoke in the same vein, whenever he referred to Field Marshal Smuts. But unfortunately, the very values Smuts represented and of

which the Canadian Conservative leaders were so proud of, had been repudiated in no uncertain terms by the ruling Nationalist Party of South Africa ever since it came to power in 1948.

Canada voting for the 1958 resolution, but abstaining from voting for the 1959 resolution, which was only slightly different from that of the 1958 resolution provoked criticisms in Canada.

Hazen Argue, the leader of the Co-operative Commonwealth Federation Party of Canada, was of the view that the resolution passed by the General Assembly in 1959 on "apartheid" was "a very moderate and well considered resolution, and that it is a resolution about which there should be no equivocation so far as Canada's position is concerned, and that in voting on a resolution of this type the government should be prepared to vote in favour." Yet another member of the House of Commons, Harold L. Winch, also spoke against Canada's abstention on the 1959 resolution.

The explanations given by the Canadian Government outside the United Nations forum justifying its abstention

26 But the same General Assembly also defended in the First Session (1946) of the United Nations General Assembly South Africa's right to follow the policy of racial discrimination as a domestic matter for South Africa.


in 1959 were far from convincing. The assertion of J.R. Smith, one of the delegates to the UN General Assembly in 1959, that "the resolution of 1959 at the general assembly was considerably stiffer than any resolution previously introduced in the United Nations", 29 was not true. The resolution of 1959 is in no way stiffer than the resolutions of the years 1966 and 1957. 30

Did the Diefenbaker Government give any thought to what effect Canada's abstention in 1959 would have on the attitude of the Afro-Asian nations towards Canada? Then questioned on this point in the House of Commons, Howard Green made the following statement:

Both the Leader of the Opposition [Lester Pearson] and the honourable member for Assiniboia [Harry Argue], and perhaps others, said that we were choosing between South Africa and the other [may] members of the commonwealth. The fact is that the representatives of the other commonwealth countries are just as intelligent, just as bright, as the Canadian delegates at the United Nations. This question was thoroughly talked over with them and they understood the reasons for our action on this question... As a matter of fact, they were so pleased about our vote on the nuclear test in the Sahara [by France], because at first they were doubtful that a western country would stand up and vote with them, that I do not think any hon. members

29 Ibid., p. 966.

30 See Resolutions No. 1016 (XI) and 1178 (XII).
across the way need worry that Canada’s prestige with the nations of Africa and Asia has fallen in any degree whatever.

...These new nations understand adherence to principle. They understand when a nation believes that it should take a stand based on its own judgment, and that is right in line with their own views. They are noted for their insistence on being able to exercise their own independent judgment on issues as they arise in the United Nations. I believe they admire Canada for following a similar practice. 31

This is, indeed, a misleading over-simplification regarding the reaction of the Afro-Asian members to the Canadian abstention in 1959. This action of Canada displeased India, Pakistan, and Ceylon. Julius Nyerere, Chief Minister of Tanganyika (as it then was), was of the view that Canada’s abstention in 1959 was very disappointing and that silence could sometimes be as bad as support. Tom Mboyo of Kenya also expressed a similar view. 32 By referring, out of context, to Canada’s vote in the United Nations on the question of French nuclear tests in Sahara, Howard Green was misleading the Canadian House of Commons; it was all the more glaring to note that Canada which earned the appreciation of the new nations by taking a bolder stand on many issues

in the United Nations, especially the question of the nuclear tests in the Sahara, felt it necessary to abstain on a resolution that merely expressed deep regret and concern about South Africa's "apartheid" policy.

Conservative Government's Attitude from 1960 to 1962

On 21 March 1960, the South African police fired at a demonstration in Sharpeville organized by black South Africans in order to protest against the "pass" laws of the South African Government which were an integral part of the "apartheid" system. In this incident, eighty-seven persons were killed and 186 were severely wounded. On 25 March 1960, twenty-eight African and Asian delegations of the United Nations requested an urgent meeting of the Security Council to consider the situation arising out of these killings in South Africa. The Security Council on 1 April 1960, passed a resolution on this issue by 9 votes in favour, none against and with two abstentions - Britain and France. This resolution called upon the Government of South Africa to initiate measures aimed at bringing about racial harmony based on equality, in order to ensure that the present situation did not continue or recur, and to abandon its policies.
of "apartheid". 33

Though Canada was not a member of the Security Council at that time, John Diefenbaker, the then Prime Minister of Canada, acted as if he was an advocate of Britain and France. Commenting in the Canadian House of Commons on the abstention of Britain and France, he observed that these two countries abstained -

...not because they loved apartheid but because the circumstances were such that they felt that this constituted an interference by the United Nations in domestic affairs [of South Africa]/.... Whatever we would say of them, they have a knowledge of diplomacy and of international rights. The British foreign secretary said - and I paraphrase - that he was afraid the resolution would only make the South African government more stubborn. 34

The question of "apartheid" was again taken up for discussion at the resumed fifteenth session (1960) of the General Assembly in March 1961. Two draft resolutions were introduced in this session's Special Political Committee. Both of them deplored policies based on racial discrimination, condemned the "apartheid" policy of the Government

33 ECHR, yr. 15, Suppl., April, May and June 1960, pp. 1-2. In pursuance of this resolution, the then Secretary-General of the United Nations Dag Hammarskjold made a trip to South Africa in January 1961, but found that no mutually acceptable agreement could be reached between him and the Government of South Africa.

of South Africa as inconsistent with the Charter and noted that these policies had led to international friction endangering international peace and security. But a few major differences between the two resolutions were noticeable. The first draft resolution recommended that all Member States should take economic and diplomatic sanctions against South Africa whereas the second draft resolution requested all States to consider taking separate and collective action as was open to them, in conformity with the Charter, so as to bring about the abandonment of racial discrimination by the South African Government. The first draft resolution was carried (Canada voting against) in the Special Political Committee; in the plenary session of the General Assembly, this draft resolution was dropped, since the paragraphs which recommended sanctions failed to obtain the necessary two-thirds majority votes. But the second draft resolution was adopted in the plenary session on 13 April 1961. 35 Canada voted for this resolution. The Canadian delegate speaking on this resolution said:

...This resolution was appropriate in the present circumstances, and his delegation would vote in favour of it, with the express reservation that in its opinion paragraph 3 which requested all States to consider taking such separate and collective action as was open to them did not condone

35 Resolution No. 1598 (XV).
the use of force or application of punitive measures by Member States. The resolution made abundantly clear the General Assembly's abhorrence of racial policy of the Union of South Africa while using terms moderate enough to be capable of attracting a broad measure of support and thus demonstrating to the Union how widespread that feeling was. 

Prime Minister Diefenbaker was also quick to add in the House of Commons that "...we do not consider that the terms of this resolution would bind us to repudiate existing trade arrangements with South Africa." 

The International Labour Organization (ILO) in its forty-fifth session (1961) adopted a resolution on the question of "apartheid", sponsored by the Nigerian Government Delegation, on 29 June 1961. The Canadian Government Delegation voted for the paragraph which condemned the racial policies of the Government of South Africa and also for the paragraph that expressed the utmost sympathy with those people of South Africa whose fundamental rights were suppressed, but it abstained from voting on the paragraph declaring that the continued membership of South Africa in the ILO was not consistent with the aims and purposes of the Organization and on the paragraph which requested the

Governing Body of the ILO to advise South Africa to withdraw from the membership of the Organization until such time as the Government of South Africa abandons its "apartheid" policy.

In the special Political Committee of the sixteenth session (1961) of the UN General Assembly two separate draft resolutions were submitted; both of them in strong terms condemned the racial policy of the South African Government. The first draft resolution called for the expulsion of South Africa from the United Nations and for diplomatic and economic sanctions to be imposed by all Member States. When the vote was taken in the Committee on this draft resolution, Canada voted against the expulsion of South Africa from the United Nations and abstained from voting on the paragraphs recommending sanctions against South Africa. The second draft resolution urged all States to take individual action to bring about the abandonment of "apartheid" by the South African Government. When the paragraphs of the first draft resolution covering expulsion and sanctions were voted together in the plenary and defeated, the first draft resolution as a whole was withdrawn. The second draft resolution was adopted on 23 November 1961 in the plenary session. Canada voted in favour of ____________________________

39 Resolution No. 1663 (XVI).
this resolution. Speaking in the Committee on 10 November 1961, the Canadian delegate made the following statement:

It would be better left to the judgment of individual Government whether specific measures should be taken to exert influence on South Africa, and his delegation would therefore support the eight-power draft of the second draft resolution....

At the seventeenth session (1962) of the Assembly, the question of "separatism" and the question of treatment of people of Indian origin in South Africa were, for the first time, considered as a combined item. A single draft resolution was submitted by thirty-six African and Asian countries and this resolution was passed by the plenary session on 6 November 1962. Canada voted against this resolution. The resolution among other things, requested Member States to take certain specific measures viz. to break off diplomatic relations with the Government of South Africa, to close their ports to all vessels flying the South African flag, to enact legislation prohibiting their ships from entering South African ports, to boycott all South African goods, to refrain from exporting goods including all arms and ammunition to South Africa and to refuse landing and passage facilities to all aircrafts

40 GAOR, sess 16, Spl. Pol. Cttee, p. 132.
41 Resolution No. 1761 (XVII).
belonging to the Government of South Africa and companies registered under the laws of South Africa.

In this session, the Canadian delegate condemned the "apartheid" policy of South Africa and opined that application of sanctions would not produce the desired results. 42

(When the question of racial conflict in South Africa came up for discussion in the General Assembly in its next session in 1963, the Conservative Party of Canada was no longer in office in Ottawa.)

**In Assessment**

As we have already seen, from 1957 to 1959 the Conservatives of Canada did not openly criticise the "apartheid" policy of the Government of South Africa. In 1960 even though they were not prepared to denounce the "apartheid" policy, they made several statements such as the necessity of taking actions to put an end to "discrimination based on colour, creed or other reasons ... everywhere in the world." 43 Even after the massive killings by the South African police on 21 March 1960 at Sharpeville, the Prime Minister of Canada Diefenbaker simply said:


"...we deplore the development of a situation which has given rise to such tragic violence and loss of life", thus specifically not placing the responsibility of those shootings on the Government of South Africa. He also make it clear that he was not for sending a formal diplomatic protest to the Government of South Africa regarding the Sharpeville incident. Then members of the House of Commons pressed Diefenbaker to make a categorical statement regarding the racial policy of the Government of South Africa, he pointed out the need for recognizing the complexity of the problems of racial relations, and that no country could claim to have a perfect record in this field. He recalled that even in Canada during the days of the Second World War, there was a plea that people of Japanese origin should be banished from Canada. Even though Canada had been to a large extent successful in solving the problem, he felt that much remained to be done.


45 Even the United States of America placed the responsibility for the bloodshed on the Government of South Africa. A spokesman of the State Department said in Washington on 22 March 1960 that the United States "regrets the tragic loss of life resulting from the measures taken against the demonstrators in South Africa". Toronto Globe and Mail, 23 March 1960.

Therefore, he argued that the racial problem in South Africa too would not be solved in a day. 47 This soft-pedalling of the issue by the Conservative Government drew criticisms from all the public opinion organs of Canada. Even the Liberals felt that Canada should at least speak out frankly. 48 A prominent leader of the Co-operative Commonwealth Federation of Canada (CCF), H.J. Coldwell remarked:

We've heard so much about human rights and fundamental freedoms from our present Prime Minister [Diefenbaker].

Yet when these human rights and fundamental freedoms are being fought for and people are being put to death in the fight for them, all we have from our present Prime Minister and our government in Ottawa is silence. 49

The President of Canadian University Students, Jacques Genin, expressed to the Acting South African High Commissioner in Canada Dr G.R.E. Fincham, the students' indignation

47 Ibid., p. 3337. However, he acted swiftly when he received the information on 9 April 1960 that a Canadian citizen, Norman Phillips, reporter of the Toronto Daily Star was arrested and detained in Iurban goal by the South African Government. Diefenbaker instrcuted the Canadian High Commissioner in South Africa to make a diplomatic representation to the South African Government with a view to secure the release of Phillips. Ibid., p. 3037. He was released on 12 April 1960.


over the "apartheid" policy. The President of the Canadian Labour Congress, Claude Jodoin, sent a telegram to Diefenbaker to take a forthright stand on the developments in South Africa.

The Conservative Government since 1961 onwards started indirectly criticizing South Africa's racial policy and also slowly increased the intensity of its attack against South Africa's "apartheid" policy. This is clear from the way Canada voted in the UN General Assembly. On 5 April 1961, Canada went to the extent of making it clear that the problems of a multi-racial society could never be solved by the application of policies based on the concept of the superiority of one racial group over another:

"that differentiated the Union of South Africa from other countries where certain forms of racial discrimination existed was that it had elevated to the status of a government policy, a doctrine which was in any case inapplicable."

but immediately after making this statement the spokesman

60 Globe and Mail, 28 March 1960,

61 Globe and Mail, 23 March 1960. The Canadian Association for the Advancement of Coloured people also sent a telegram to Diefenbaker expressing disappointment at his government's stand on "apartheid". Ibid., 23 March 1960.

62 CAAR, n. 36.
for Canada hastened to add that Canada being obliged to
protest against the policy of "apartheid" would in no way
adversely affect Canada's ties with South Africa with whom
Canada had fought side by side in two world wars and been
associated in the Commonwealth of Nations. At the end of
1961 Canada was convinced that the "apartheid" system could
not be suddenly eliminated; it indicated that the trend
towards the increasingly harsh application of this policy
should be halted and reversed. It expressed unhappiness
over the speeches of the then South African Minister for
Foreign Affairs since they reflected his Government's deter-
mination to continue its present course with greater
vigour. 53 By November 1962 Canada indicated that despite
the repeated exhortations of the General Assembly of the
United Nations, the South African Government had not made
any changes in its deplorable policy. Canada was cate-
gerically opposed to racial discrimination in any form,
wherever it was practised, and "it condemned without
qualification the policy of apartheid". 54

The gradually increasing vehemence of Canada's
criticism of the "apartheid" policy, might be mainly due
to the following reasons. First, the then South African

53 GAUR, n. 40.

54 GAUR, n. 42, p. 85.
Prime Minister, Verwoerd's decision on 16 March 1961 to withdraw South Africa from the Commonwealth of Nations appears to have convinced the Diefenbaker Government that the Nationalists of South Africa were strongly determined to follow their "apartheid" policy. Secondly, the Sharpeville killings on 21 March 1960 might also have been interpreted by Canada as yet another indication of the ruthlessness with which South Africa would carry out its racial policy in the future. Thirdly, the South African Government had not made any changes in its racial policy, but actually reinforced it by enacting even more stringent legislation. Fourthly, other older members of the Commonwealth too, especially Britain, and many other Western countries which had been hesitating so far to come out in forthright terms, started, from 1961 onwards, criticising the South African Government severely for its racial policy.

But Diefenbaker's Government consistently maintained that diplomatic and economic sanctions should not be used against South Africa as a means of forcing South African Government to change its "apartheid" policy. Its spokesmen on 5 April 1961, argued that sanctions would

55 See Chapter V, p. 114.

56 GAUR, n. 36.
be harmful because it might isolate South Africa still further from the international community. To increase the isolation of the Union which was already too much cut off from ideas and developments in the modern world was hardly likely to produce positive results. If every country refused to trade with all other countries whose domestic policy was repugnant to it, he reasoned, the international economic structure would be profoundly distorted! To limit the interchange of goods, ideas and people which constituted the best means of breaking down barriers of ignorance and prejudice, he opined, would be to do a disservice to peaceful international relations. In the latter part of 1961 \(^{57}\) and in 1962 \(^{58}\) Canada maintained that sanctions might hurt most of all the non-white population of South Africa.

This stand of the Canadian Government was fully endorsed by almost all of Canada's leading newspapers. For example, The Globe and Mail in its editorial on 5 November 1962, pointed out: "Canada quite properly voted against a U.N. trade boycott designed to punish South Africa for her policies of racial segregation. A boycott tends to force the ostracized nation to adopt a fighting stance in the corner into which she has been pushed." \(^{59}\)

\(^{57}\) CAAR, n. 40.

\(^{58}\) CAAR, n. 42.

\(^{59}\) Globe and Mail, 5 November 1962.
There appears to be three main reasons for Canada not adopting economic sanctions against South Africa. First, in Canada's view, economic sanctions would not achieve the desired results. Diefenbaker told the House of Commons on 11 December 1962: "This Government has taken the stand that sanctions have not been effective at any time.... As sanctions have been proven to be ineffective in the past, such sanction will not be taken by this Government."60

Secondly, if Canada imposed economic sanctions against South Africa, Canada would be the loser, not South Africa, because, for example, in 1959 Canada exported to South Africa goods worth $51,377,332, while imports from South Africa amounted to only $6,631,000.61 Thus, South Africa bought from Canada eight times more than what Canada bought from the former. Diefenbaker stressed this significant point often. On one occasion, he said: "Sanctions would have the effect of denying to Canadians business to the extent of perhaps $40 million or $50 million a year."62 Yet another time, he pointed out that South Africa was Canada's fourth largest customer and Canada had a good balance of trade for its advantage.63 Openly repeating this

argument naturally drew criticism. Hazen Argue asked whether the Canadian government, because of £40 million or £50 million worth of trade with South Africa, was prepared to abandon the basic principles on which democracy was founded and to throw away the concepts of human rights, equality and dignity.64

Thirdly, by adopting economic sanctions against South Africa, Canada would considerably strain her relationship with South Africa. This appears to be quite an important factor. Many spokesmen of the Conservative government stressed this. Diefenbaker himself told the House of Commons: "It is all very well to argue that we should indulge in sanctions against South Africa. This is one of the countries with which we have dealt on the friendliest terms throughout the years."

64 Canada, n. 14, 1962, p. 233. Yet another member of the Canadian House of Commons, David Lewis asked: "...what moral and spiritual values is this government defending when it refuses to take action in concert with other nations of the United Nations to punish South Africa....

This is the country with which we say we are going to continue trade because of the £40 or £50 million of trade that is involved.

...the government of this country today, together with the governments of other countries with which we are allied, are now betraying the purposes of the United Nations...by our attitude towards these things in South Africa...." Ibid., vol. 3, 1962-63, pp. 2331-2.

One can notice minor fluctuations in Canada's voting in the Special Political Committees of the General Assembly during the years 1961 and 1962 with regard to the paragraphs that imposed economic and diplomatic sanctions against South Africa. In a draft resolution introduced in the Special Political Committee of the resumed fifteenth session of the Assembly, Canada voted against the paragraphs of the draft resolution that recommended diplomatic and economic sanctions against South Africa. But in the next session, Canada abstained from voting on similar paragraphs of a draft resolution which imposed economic and diplomatic sanctions against South Africa. According to Langevin Coxe, the United Nations correspondent of the Globe and Mail, "the decision to abstain rather than flatly oppose the sanctions is described in official Canadian circles as making a change on the part of Canada." 66 But this turned out to be a short-lived policy as Canada in the following year (1962) in the Special Political Committee expressed its desire to vote against the paragraphs of a draft resolution of the 1962 session that demanded such a course. 67

Canada, in these years, as it is clear from its voting on the resolutions of 1961 and 1962, did not consider

67 CARI, n. 42.
that the expulsion of South Africa from the United Nations or from its specialized agencies would in any way lead to the desired results. The Canadian Delegation to the United Nations on 1 November 1962 also opined that "the United Nations would be better able to exert its influence on South Africa if the latter remained in the Organisation. Moreover, the comprehensive nature of the United Nations as a world forum, which was the most solid bulwark in the present times, should be maintained". Leading Canadian newspapers from coast to coast also endorsed the stand of their Government on this issue. The Winnipeg Free Press in its editorial on 17 November 1961 expressed this view: "In the U.N. the expulsion of one member state for adherence to a policy that does not meet with general favour could

63 N.C. Green, gave a few reasons for Canada's vote in the ILO Conference (1961); the important one among them was that "...the Nigerian resolution might well serve as a precedent for similar resolutions seeking the withdrawal from the ILO of other countries whose political and economic policies are considered objectionable by some members...." Canada, n. 15, vol. 8, 1960-61, p. 8102.

The resolution need not necessarily serve as a precedent in the general sense in which Green had interpreted it. If a precedent was created, then it would be in a very limited, in a well-defined sense and also in a well-defined context, i.e., where the declared policy of a government of a Member State was in direct conflict with the purposes of the ILO Constitution.

69 G/G, n. 42.
create a precedent that could be calamitous.... The editorial of the Toronto Globe and Mail on 8 November 1962 gave a similar view. The Montreal Daily Star's editorial on 14 April 1961 opined that "For the U.N. to drive one of its smaller members [South Africa] into dangerous and embittered isolation, particularly when it swallows the greater sins of some of its more powerful members, would undermine the moral purpose of the U.N." Halifax Chronicle on 4 April 1961 also expressed the same view.

In brief, the Conservative Government of Canada in the earlier part of its rule (1957 to 1959) followed a policy of not criticising the "apartheid" policy of South Africa. In these years, one finds a slight fluctuation in the attitudes of Canada because even though the resolutions passed by the Assembly in these years were substantially the same, Canada abstained from voting for the resolutions in 1957 and 1959, but voted for it in 1960. In 1960 we find that Canada indirectly making adverse remarks against South Africa's racial policy. From 1961 onwards Canada was forthright in its criticism of South Africa's racial policy, but at the same time it was not for adopting strong

71 Toronto Globe and Mail, 8 November 1962.
measures against South Africa such as economic and diplomatic sanctions against South Africa and the expulsion of South Africa from the United Nations. In its view, the evil philosophy of "apartheid" should in the final analysis, be overcome by moral persuasion. In the later years, the Conservatives decided to follow a middle-of-the-road policy wherein on the one hand it could deplore "apartheid" and on the other hand, it would play down the application of stringent measures. But this middle-of-the-road policy followed by the Conservatives, especially in the latter part of their rule, made it difficult for the Conservative Government of Canada to project for itself an unequivocal image among the world community in general and with the Afro-Asian members of the Commonwealth in particular.