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AD HOC POLITICAL COMMITTEE, 13th

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Chairman: Mr. Alexis KYROU (Greece).

## The question of race conflict in South Africa resulting from the policies of *apartheid* of the Government of the Union of South Africa (A/2183, A/AC.61/L.6)

[Item 66]\*

1. Mr. JOOSTE (Union of South Africa) said that he had no intention of accounting for his Government's domestic policy, or defending South Africa against the distortions contained in the explanatory memorandum (A/2183) which had accompanied the request to include the item under discussion in the General Assembly's agenda. His comments would be confined exclusively to the question of competence, and the presence of his delegation in the Committee and anything which he might say must be regarded as being without prejudice to his Government's legal position.

2. He recalled his delegation's effort to obtain a decision on the question of competence prior to the inclusion of the item in the agenda, first by a protest in the General Committee (79th meeting) and then by a motion in the General Assembly (381st plenary meeting) whereby the Assembly would find that, under Article 2, paragraph 7, of the Charter, it was debarred from considering the substance of the item. The South African delegation considered any discussion on the merits of the question a form of interference explicitly forbidden by that Article. His delegation, therefore, had been anxious to obtain a clear-cut decision on competence while the atmosphere was more favourable to an objective debate. Unfortunately, the motion had been defeated on purely technical grounds, and his delegation was accordingly forced to seek, under rule 120 of the rules of procedure, a decision on competence in the Committee.

3. Mr. Jooste had no doubt that the Committee would give careful consideration to the South African case, and sincerely hoped that, in the interests of the United

Nations and of Member States, a discussion on the substance of the question would be avoided. In view of the provisions of the Charter, he felt that his delegation had a right to expect from the Committee a favourable decision on competence, as well as a decision which would prevent future improper intervention in the domestic affairs of South Africa. That practice might spell disaster not only for many Member States represented on the Committee, but also possibly for the United Nations itself.

4. The South African representative said that his remarks would refer exclusively to the question of competence. He had confined himself to that aspect of the question in the General Assembly, and the representative of India (381st plenary meeting) had been mistaken in alleging that he had dealt with the merits of the case—he had, in fact, merely referred to certain charges in the explanatory memorandum in order to demonstrate that conditions in his country did not constitute a threat to the peace and were no concern of the General Assembly. Nor had he dealt with the internal affairs of India in reminding the General Assembly (381st plenary meeting) of the Indian attitude on the question of domestic jurisdiction in connexion with the question of Hyderabad. It was strange that the Indian representative should be so sensitive on that point when the Indian Government showed so little respect for the domestic jurisdiction of South Africa.

5. Mr. Jooste then passed on to give a brief outline of the factors which should preclude the General Assembly from discussing the item before the Committee. He strongly emphasized his view that Article 2, paragraph 7, of the Charter absolutely prohibited any intervention by the United Nations in the domestic affairs of Member States, with the single exception of the application of enforcement measures by the Security Council under Chapter VII of the Charter. No such exception could be claimed in connexion with any authorized activities of the General Assembly. Even the right of discussion conferred on that body by Articles 10 and 11 could not be invoked if such discussion constituted inter-

\* Indicates the item number on the agenda of the General Assembly.

vention in the domestic affairs of a Member State. The General Assembly had no powers other than those conferred on it by the Charter, and the interpretation of the Charter, particularly of Article 2, paragraph 7, had been agreed upon at San Francisco at the time of signature. Article 2, paragraph 7, represented for the smaller nations what the veto represented for the great Powers. That had been agreed and had made it possible for the small nations to sign the Charter at San Francisco. As a counterbalance to the absolute right of veto granted to the great Powers, Article 2, paragraph 7, granted to small nations protection of their inherent right to manage their domestic affairs without outside interference, in accordance with the dictates of their own conscience and the needs and welfare of their own people. The records of San Francisco would make it clear that that Article had been fully discussed and that its agreed interpretation was acceptable to the small nations.

6. The word "intervene" in Article 2, paragraph 7, could not be interpreted as meaning anything but "interfere". A more restrictive interpretation, such as that suggested by the representative of India in 1948,<sup>1</sup> would rob the Article of its meaning, as it would then be prohibiting the General Assembly from doing something which it had in any case no power to do.

7. Mr. Jooste said that he could therefore state categorically that Article 2, paragraph 7, prohibited the General Assembly from interfering in the domestic affairs of Member States and that that prohibition extended to discussion and consideration of the matter. He referred the Committee to his statement before the 381st plenary meeting of the General Assembly as containing all relevant references to the San Francisco negotiations.

8. It had been objected that Article 2, paragraph 7, did not apply in cases alleged to involve human rights, and that objection had been based on Articles 55 and 56 of Chapter IX of the Charter. It was clear from the report of Commission II to the plenary session of the San Francisco Conference<sup>2</sup> that it had been agreed that nothing in that Chapter authorized the Organization to intervene in the domestic affairs of States. Methods of achieving the objectives mentioned in Article 55 were to be left to each Member State, with exclusive jurisdiction over its own affairs, and at an international level action was to be taken by agreement between States. The pledge of international co-operation given in Article 56 could not be taken as diminishing the right of States to repel interference in their domestic affairs or as authorizing the United Nations to take dictatorial action by way of discussion or the adoption of resolutions. In that connexion, Mr. Jooste pointed out that neither in the Charter nor in any binding international instrument was there a definition of human rights against which the actions of the South African Government or of any other government could be tested. Such a definition was not contained in the Declaration of Human Rights which set a standard for future achievement but did not contain binding international obligations; otherwise the United Nations would not have been obliged to undertake the drafting of a covenant of human rights.

<sup>1</sup> See *Official Records of the General Assembly, Third Session, Part I*, 146th plenary meeting.

<sup>2</sup> See *The United Nations Conference on International Organization*, Volume 8, document II/18 (1), p. 268.

No clear concept of human rights had been evolved at San Francisco, and when the representative of Panama had submitted a declaration<sup>3</sup> of what constituted human rights for inclusion in the Charter, it had been rejected. The fact that certain groups believed that their command over a majority might constitute sufficient legal justification for altering the agreed interpretation of a treaty should have no effect over the observance of treaty provisions.

9. The South African delegation believed in carrying out treaty obligations and respecting treaty rights. It would abide by the terms of the Charter in accordance with the agreed meaning of those terms, and firmly maintained that the United Nations had no competence in regard to the item before the Committee.

10. It had been alleged that conditions in South Africa constituted a threat to the peace, and that was the most serious charge which could be preferred against a Member State. It became even more serious when it related to internal conditions outside the scope of any international treaty obligation and when it was brought in disregard of a clear prohibition in the Charter against intervention in domestic affairs. Mr. Jooste had already pointed out before the General Assembly (381st plenary meeting) that a threat to the peace could only exist when the territorial integrity and political independence of another State was threatened, and that it was both unrealistic and mischievous to allege the existence of such a threat in consequence of legislation designed to deal with matters of purely domestic concern. The charges listed in the explanatory memorandum all came under that heading. If the Committee could be led to believe that racial or any other form of segregation—which existed in a large number of countries of the world—education, housing, conditions of recruitment for the armed services, the administration of justice and other matters referred to in the memorandum were not entirely within the domestic jurisdiction of a State, then the same must hold good of matters such as tariff, immigration and fiscal policies, which certainly affected relations between States, but which nevertheless continued to be the sole responsibility of the individual governments concerned. India and its supporters were desirous, however, of subjecting the Government of the Union of South Africa to United Nations supervision in matters exclusively within that Government's jurisdiction, although India itself would certainly submit to no such process.

11. The language of the Charter on the matter of domestic jurisdiction was clear, and no pretext of a threat to the peace could alter it. It was impossible to see how the matters to which the various charges referred could affect the legitimate interests and rights of other States, and it was therefore preposterous to allege that they constituted a threat to the peace. If it were once admitted that intervention in the internal affairs of Member States was justified on the grounds that legitimate State action on matters of purely domestic concern constituted a threat to world peace, it must be obvious to all members of the Committee that no small nation without the power of veto could ever hope to conduct its own affairs without fear of unwarranted external interference. The United Nations had been established precisely to protect all nations, particularly

<sup>3</sup> *Ibid.*, Volume 3, document G/7 (g) (2), p. 266.

the smaller ones, from the sinister designs of others. Unfortunately, the Organization had on occasion been persuaded to ignore the rights of Member States and to exceed the authority conferred on it by the Charter. His delegation had often protested against the practice. Never before, however, had a United Nations organ been called upon to take a decision on competence which might, in the event of an unconstitutional decision, be so serious. The only safe guide in making a proper decision must be the Charter.

12. There could be no argument as to the precise meaning of the different Charter provisions as interpreted at San Francisco. Those provisions were known to be a compromise between the wide functions proposed for the United Nations and the protection of Member States from intervention by a majority of the Organization in matters essentially within their domestic jurisdiction. But for that compromise, exemplified for the great Powers by the right of veto and for the small Powers by Article 2, paragraph 7, there could have been no Charter. No one could escape those facts, not even States which, in pursuit of their own national interests, sought persistently to persuade the United Nations to exceed its constitutional authority and thereby to break faith with those who insisted on adhering faithfully to the compromise solution adopted at San Francisco.

13. Mr. Jooste said he knew that many Member States would welcome amendments to certain provisions of the Charter. Many looked forward to the day when the veto, with its stultifying effect on the legitimate activities of the United Nations, could be abolished. There were some no doubt who looked forward to the suppression or amendment of Article 2, paragraph 7, and the resultant development of the United Nations into a world government where a majority of Member States would be able to enforce their will on any country with regard to any matter of domestic concern. Although the South African Government was unlikely ever to support so radical a course, any States holding such views were free at any time to make proposals for the amendment of the Charter. But that was the only constitutional means of changing the interpretation of the Charter. Until such time as the Charter was amended by that means, it must remain inviolate. The Government of the Union of South Africa adhered to the interpretation agreed upon at San Francisco, and it was now for the United Nations to go on record as to whether it did so too. Mr. Jooste hoped that a clear and unambiguous decision would be made on the motion which he intended to move under rule 120 of the rules of procedure. The matter was one of the utmost importance to all Member States, and it would be wise and statesmanlike to reflect carefully before taking any steps likely to result in the disintegration of the United Nations, which had been intended to be, and could still become, the greatest bulwark of world peace and security.

14. The South African representative accordingly moved the following draft resolution (A/AC.61/L.6):

"Having regard to the provisions of Article 2, paragraph 7, of the Charter of the United Nations,

"The *Ad Hoc* Political Committee finds that it has no competence to consider the item entitled 'The question of race conflict in South Africa resulting

from the policies of *apartheid* of the Government of the Union of South Africa'."

15. Mrs. PANDIT (India) stressed that the question of competence raised by the representative of South Africa could not be properly or logically considered until the subject under discussion had been introduced and until the Committee had been enabled to weigh the issue of competence against the background of the facts. Accordingly, she would outline the main features of the South African Government's policy of *apartheid*, reserving the right to revert to the question of competence at a later stage of the debate.

16. The thirteen countries which had joined in placing the item on the agenda represented some 600 million people. They had felt that the deliberate attempt on the part of the South African Government to establish racial discrimination by a policy of *apartheid*, which implied permanent superiority of the white inhabitants over the non-white who comprised 80 per cent of the total population, had created a dangerous tension in South Africa with serious consequences for harmony among nations and peace in the world. They further considered that the objectives of South Africa's policy were to force the non-European population into perpetual economic and social servitude by racial discrimination and segregation in violation of basic human rights and fundamental freedoms and of the principles of the Charter, to which all States, including South Africa, had pledged adherence.

17. Mrs. Pandit reviewed the principal legislative acts adopted by the South African Government to implement its *apartheid* policy. The Group Areas Act, based on the complete segregation of racial groups, would, when implemented, involve the uprooting of thousands of non-whites, depriving them of homes, property and business premises without compensation or provisional alternative accommodations. It divided the entire population into white, native and coloured groups and defined the characteristics of each. It would prevent any direct business relations among the three groups and relegate the non-whites to menial occupations. Under the Population Registration Act, identity cards defining his racial or ethnic group would be issued to each person over sixteen years of age, to be presented for inspection on demand by any member of the police force, which would consist entirely of whites. The Mixed Marriages Act prohibited marriages between whites and non-whites, declared such marriages null and void and imposed penalties on persons performing them. It had been justified by pseudo-scientific theories and was an insult to the non-white population. The Separate Representation of Voters Act removed so-called coloured voters in the Cape Province from a common roll vote to a separate roll. They would be represented in Parliament by four Europeans. The Act had been adopted by a narrow majority, consisting largely of the Nationalist Party, against strong opposition by both Europeans and non-Europeans. It was a clear violation of one of the "entrenched" clauses of the Constitution, which required that amendment of franchise rights of the coloured population must be made by a two-thirds majority of both Houses of Parliament voting together. The Supreme Court had declared the Act *ultra vires* of Parliament, but the Government had overridden the Court's decision by enacting the High Court of Parlia-

ment Act. Thus, in pursuance of its racial policies, it had not hesitated to violate the Constitution. The Suppression of Communism Act had also been made a potential vehicle for the persecution of the non-white population in that it defined communism as any doctrine encouraging hostility between Europeans and non-Europeans. Finally, the Bantu Authorities Act relegated the African race to the ancient system of tribal rule for the express purpose of preventing their fusion into a modern nation. *Apartheid* was enforced even in the use of common public facilities, in trade unions and in the armed forces of the country. Non-whites could not fight in defence of the nation, they had no opportunities for jobs as skilled workers or in government service and therefore no scope for their social and economic betterment. The Prime Minister, Mr. Malan, had recently reaffirmed his intention to effect no changes in the laws differentiating racial groups and to continue to bar Bantus and other non-Europeans from administrative, executive and legislative posts.

18. Deprived of constitutional and legal means to seek redress of its grievances against unjust racial laws, the non-white population of South Africa had begun a campaign of passive resistance, a technique first developed in 1915 by the young Gandhi. At that time, the British Viceroy of India had expressed his deepest sympathy with the movement started in South Africa. Gandhi's theory of passive resistance or *Satyagraha* was based on the concept that the dignity of man required obedience to the law of the spirit; consequently, that resistance, far from being an expression of submission or cowardice, was motivated by a strength derived from an indomitable will to defy evil. It expressed a moral protest against continuing injustice, as Professor Julius Lieuwen, a European professor in a South African university, had said, and was not intended to injure the white population. Professor Lieuwen had interpreted the feeling of an increasing number of Europeans when he had called upon the South African Government to desist from further repressive measures and upon the European population to make a moral gesture of equal significance by expressing sympathy and solidarity with the resistance movement. In a statement issued jointly by the Bishop of Johannesburg and others, the wide response to the movement had been recognized, the courage and sacrifice it demanded had been emphasized and it had been described as a challenge to the entire white community as well as to all who participated in the exercise of political power in South Africa.

19. The decision to embark on a passive resistance campaign on a national scale had been taken out of desperation, but only after the Government had been given due warning and a final appeal had been made for a relaxation of repressive and discriminatory measures. When the Malan Government had replied with a threat to use the full power of governmental machinery against the alleged inciters to subversion, the resistance movement had had no choice. Demonstrations had been held and volunteers selected who, after advance notice to the police authorities, had defied various laws and regulations deriving from the *apartheid* policy. To date, over 7,000 persons had sought arrest and been sentenced to imprisonment. It was a tribute to the discipline of the resisters that, despite great provocation by the police and fanatical white elements, they had maintained the peaceful character of the move-

ment. Moreover, despite brutal treatment in the prisons, the resistance had not been broken and enjoyed widespread support among all sectors of the non-white population and among the liberal whites. The Presbyterian Church of South Africa, for example, had condemned the Government's discriminatory policies, had urged tolerance of other racial groups and had exhorted its members to pursue the fight against repressive measures. The Chancellor of St. Paul's Cathedral in London likewise had called upon all Christians to support the liberal forces combating *apartheid*. The Archbishop of York had appealed to Christians to reject the master-race theory. The British Trade Union Congress, representing some eight million workers, had assured its full support to those fighting the South African Government's racial policies.

20. The international implications of South African racial policies were clear to all Member States which had pledged themselves to uphold the basic principles of the Charter, in particular those concerning the observance of human rights. Moreover, that pledge had been strengthened by the unanimous adoption of General Assembly resolution 103 (I) calling for an end to religious and racial persecution and discrimination and of resolution 377 (V), entitled "Uniting for Peace", urging an intensification of joint action to develop and stimulate respect for human rights if lasting peace was to be achieved. The Preamble of the Declaration of Human Rights further strengthened that pledge.

21. The situation in South Africa was imperilling the entire continent of Africa. Unless the United Nations acted rapidly to stir the conscience of men of goodwill everywhere to repudiate the South African Government's policies and actions, the world would be threatened with a new conflict. In his appeal, the Bishop of Johannesburg had called for a revival of the liberal tradition of the country, based on the principle of equal rights for all civilized peoples and equal opportunities for all to become civilized. He had urged a reasonable status for non-Europeans and a Government policy resting on a moral basis under which persons were evaluated by the tests of civilization and education rather than by race and colour.

22. The Bishop's statement implied that an attempt should be made to build a new pattern, which would, by providing equal opportunities for all groups, create a synthesis of cultures for the greatest benefit of the whole population. India would welcome a study of the situation in South Africa with a view to assisting the Government to resolve it on a rational and humanitarian basis of mutual toleration and understanding among all racial groups. The purpose of the Indian delegation in co-sponsoring the item under discussion was not to condemn South Africa; it harboured no rancour. Its only desire was to end a situation as degrading to those who enforced the discriminatory laws as to the victims.

23. Mr. JONES (Liberia), speaking on a point of order, supported India's view that the question of competence could not be decided until the Committee was in possession of the facts. He was confident that he reflected the opinion of the Member States, forty-five of which had voted to include the item in the General Assembly's agenda. It was essential, however, to hear the facts from both sides. Accordingly, the information offered by a native of South Africa, Professor Z. K.

Matthews, who, it was understood, had made a request to speak before the Committee, would certainly shed more light on the severe effects of the racial conflict in his country. Mr. Jones enumerated the high qualifications of Professor Matthews, a representative of the African National Congress and now a visiting professor at the Union Theological Seminary, and requested that he be given an opportunity to present further information to the Committee.

24. The CHAIRMAN asked the representative of Liberia not to press for the adoption of his proposal. The item had been placed on the Committee's agenda at the request of thirteen States whose representatives would have ample opportunity to present their case to the Committee. The *Ad Hoc* Political Committee was not a court and it would not be fair or proper for it to confront a sovereign State with a private individual, a national of that State. Furthermore, there was no precedent for such a procedure in a political committee, although private individuals had been heard in the Fourth Committee in quite different cases under Article 73 e of the Charter.

25. The representative of Liberia could, if he so wished, ask Professor Matthews to present his case in the form of a letter to the General Assembly, which would, at the request of any delegation and on its responsibility, be circulated as a United Nations document.

26. The Chairman particularly stressed that that was not a ruling but a request.

27. Mr. JONES (Liberia) said that, since his delegation was particularly anxious to preserve the harmony and spirit of co-operation which prevailed in the Committee, it would comply with the Chairman's request.

28. Mr. JOOSTE (Union of South Africa), speaking on a point of order, said that his delegation was grateful for the manner in which the Chairman had handled the matter, but wished to point out that to follow the Chairman's suggestion would be tantamount to receiving officially the views of a private citizen.

29. The correct procedure would surely be for the letter to be addressed to the Secretariat, which would place it on its list of communications received, where it would be available to all Members of the United Nations.

30. While not wishing to make the Chairman's onerous task even more difficult, Mr. Jooste said that he reserved his delegation's right to protest against the circulation of such a document as an official document of the *Ad Hoc* Political Committee.

31. Mr. UNDEN (Sweden) said that in previous debates on the question of racial policies of the Union of South Africa his delegation had supported proposals, which had never been accepted, to seek an advisory opinion of the International Court of Justice on the question of the General Assembly's competence. Consequently, Sweden had been compelled to adopt a position on the issue of competence without the support of such a study. The position expounded by the representative of South Africa seemed rather extreme. According to the latter's view, the General Assembly was not competent even to discuss South Africa's racial policies, although the South African delegation had

declared in 1946<sup>4</sup>—without however admitting the right of the United Nations to intervene in the matter—that it had no objection to the case being freely discussed. Now, however, it insisted that racial policies were matters essentially within the domestic jurisdiction of a State, and that under Article 2, paragraph 7, of the Charter, the General Assembly was precluded from intervening in such matters, since that Article expressly laid down that nothing contained in the Charter authorized the United Nations to intervene in the domestic affairs of States. A commentary had been made on the Charter, with which he was inclined to agree, that the word "intervention", as used in that paragraph, was not to be given a narrow, technical interpretation since discussion did not necessarily amount to intervention.

32. Furthermore, Article 2, paragraph 7, should not be interpreted in such a way as to bring it into conflict with the other provisions of the Charter. Article 62, paragraph 2, for instance, permitted the Economic and Social Council to make recommendations for the purpose of promoting respect for human rights and fundamental freedoms for all. The General Assembly had the same competence as the Council. It would therefore appear that the organs of the United Nations were competent to discuss policies of Member States on such matters.

33. It was generally agreed that the term "domestic matters" was a concept which was liable to change through the evolution of the law of nations and of international relations in general. A domestic matter today might well become an international matter tomorrow. For example, Chapter XI of the Charter required Member States administering Non-Self-Governing Territories, to transmit certain information on such Territories to the Secretary-General. Relations which were in principle a domestic matter had thus acquired an international character. The point was therefore whether Member States had assumed any obligations in regard to human rights. If they had, their policies on such matters were no longer exclusively their own concern.

34. The Charter at least imposed on Member States the obligation that they should not bar any discussion in the United Nations of their policies in that field or the adoption of recommendations in connexion with such discussions. The General Assembly itself had confirmed that view by repeatedly stating that it was entitled to discuss racial policies of Member States and to adopt recommendations on them. The Assembly had also called for the investigation of alleged forced labour imposed in violation of human rights, disregarding the objection that the matter was within the domestic jurisdiction of a State.

35. The Swedish delegation was not prepared to formulate a rule distinguishing between permissible recommendations and those infringing upon domestic jurisdiction. It could not, however, subscribe to the opinions expressed on the matter by the representative of South Africa.

36. Mr. GUNDERSEN (Norway) expressed agreement with the arguments and conclusions of the Swedish representative. He thought that, leaving all legal aspects

<sup>4</sup> See *Official Records of the General Assembly, Second part of first session, Joint Committee of the First and Sixth Committees, 1st meeting.*



aside, the repercussions which the race conflicts and the *apartheid* policy in the Union of South Africa had had on world public opinion and on the relations between States had put the matter outside the realm of purely domestic problems.

37. It was possible that information on some of the events in South Africa was inadequate, or even biased, or that the South African Government's difficulties were not sufficiently appreciated. Even if that were so, it was doubtful whether the South African Government's refusal to discuss the substance of the question in the United Nations had been conducive to the creation of an atmosphere in which objective reasoning and common sense could be expected to prevail.

38. As to the legal aspects, the mere occurrence in Member States of events or conditions which attracted attention and gave rise to concern and apprehension throughout the world did not in itself render the United Nations competent to raise the matter in one or more of its organs. The Organization had never been intended as an instrument for the elimination of all the disturbing factors in the world. It should strive to maintain international peace and security and to promote observance of human rights. But in so far as the fulfilment of those purposes would permit, the United Nations was obliged to respect the sovereign right of Member States to settle their internal affairs as they saw fit.

39. The existence of difficulties in interpreting the Charter should not necessarily be regarded as reflections on the Charter or its value. In a dynamic international community, characterized by the growing interdependence of its members, new difficulties had to be dealt with as they arose and in the long run that must mean an expanding competence for supra-national organizations.

40. Articles 13, 55 and 56 of the Charter had been cited as authorizing the United Nations to discuss the racial policies of the Government of South Africa inasmuch as they concerned human rights, while on the other hand Article 2, paragraph 7, had been cited as restricting that competence.

41. The South African representative's contention that events in his country did not constitute an infringement of human rights or fundamental freedoms, as laid down in the Charter, was difficult to understand. Mere reading of the Group Areas Act appeared to justify the claim that the Act legalized actions which all Member States had pledged themselves to abandon.

42. Mr. Gundersen said that it was true that the Articles he had referred to did not impose on Member States any specific obligations committing them to cer-

tain actions or to refrain from certain actions. Indeed to do so would have been unwise. There was one obligation, however, imposed by the Charter about which there could be no doubt and that was the obligation to promote an even greater degree of human liberty and equality. Where a Member State disregarded that obligation, and tried to retard the development by putting new restrictions on the exercise of human liberties and equalities, the matter at once became the concern of the United Nations as a whole, which was then entitled to look into it and discuss it.

43. If the South African Government continued to be silent on the substance of the matter and persisted in its contention that it was outside the jurisdiction of the United Nations, there would be no alternative but to conclude that the Group Areas Act and the policy of *apartheid* were contrary to the Charter and the General Assembly would therefore have every right to take up the matter. Article 2, paragraph 7, in no way prevented the United Nations from at least discussing the matter. The word "intervene" could not be interpreted to mean that a matter, which was "essentially within the domestic jurisdiction", was never admissible for discussion. In many cases, as in the present case, there was no clearly defined dividing line between the discussion of competence and the discussion of substance since the question of competence could not be decided until more was known on the substance of the matter.

44. The point at issue, however, was whether the conditions in South Africa now under discussion were within the domestic jurisdiction of the South African Government, even on the basis of the interpretation just given to Articles 13, 55 and 56. It would seem reasonable that, when a number of Member States maintained that another Member State had violated its fundamental obligations under the Charter, there was valid reason to believe that such must be the case and that the matter had moved from the domestic to the international sphere.

45. The South African delegation of course had a right to maintain that the Charter had not been violated. The other Members of the United Nations, however, had a similar right to hear the South African Government's reasons for its contention, as also to make up their minds regarding the merits of those reasons. It was too early to say whether it would be wise to express any opinion on the complicated problems which had stirred up public opinion in so many countries, or whether it would be right or wise for the United Nations to adopt any resolutions or recommendations in the matter. His delegation therefore reserved its right to speak later in the debate.

The meeting rose at 12.55 p.m.