

GENERAL ASSEMBLY

SEVENTH SESSION

Official Records



AD HOC POLITICAL COMMITTEE, 20th

MEETING

Wednesday, 19 November 1952, at 3.30 p.m.

Headquarters, New York

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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 and Corr.1, A/AC.61/L.7, A/AC.61/L.8/Rev.1, A/AC.61/L.9, A/AC.61/L.10, A/AC.61/L.11, A/AC.61/L.12, A/AC.61/L.13) (*continued*)

[Item 66]*

1. The CHAIRMAN announced that the Scandinavian amendments (A/AC.61/L.9) to the eighteen-Power draft resolution (A/AC.61/L.8/Rev.1) would be circulated as a separate resolution (A/AC.61/L.12), incorporating the first three paragraphs of the preamble of the eighteen-Power draft resolution but not the remainder of the text.

2. Mr. DAYAL (India) felt that the Committee was now in possession of full information on the matter under discussion, but that nothing had been said to controvert the facts adduced by the delegations which had requested inclusion of the item on the agenda. All the arguments put forward against the eighteen-Power draft resolution had been on purely legal grounds and referred to the Committee's competence to discuss the item. The Committee's views on that question would doubtless be expressed by the vote of its members.

3. In reply to the Netherlands representative's statement (16th meeting) that the caste system constituted a form of racial discrimination, Mr. Dayal said that such was not the case in India under present conditions. Since the promulgation of the Indian Constitution in January 1950, with its guarantees against discrimination on grounds of caste, religion, sex or colour, repeated decisions by bodies such as the High Court of Madras and the Supreme Court of India revealed that in all cases affecting fundamental human rights the law was

on the side of the citizen. In India, the judiciary always took precedence over the executive but the reverse seemed to be the case in the Union of South Africa. In South Africa it had become impossible to take progressive action by legal means to abolish racial discrimination.

4. It was clear from statements made in the House of Assembly of the Union of South Africa by Mr. Dönges, Minister for the Interior, that the question of legal compensation for the expropriation of property was not specifically envisaged in the Group Areas Act.

5. Mr. Dayal thought that the Netherlands representative had made an unfair reference to a statement made by Mrs. Pandit in 1947 which had been intended merely to demonstrate that the absurd result of pushing the policy of racial discrimination to its logical conclusion would be the division of South Africa into separate dominions.

6. The representative of Denmark had referred (18th meeting) to the commission proposed in the joint draft resolution as yet another organ of the United Nations. That commission would, however, be necessary if the concern expressed by Committee members were to take the form of a study of the situation. That seemed to be the duty of the United Nations. It was not intended that the commission should consist of representatives of Member States; its membership, consisting of three persons, should be chosen from a panel of experts on racial relations. A report drawn up by a commission thus formed should be an authoritative and informative document which would facilitate the study of the question in the light of the purposes and principles of the Charter.

7. With regard to the objection that the commission would be unable to work effectively if the South African Government was not prepared to give its co-operation, the Indian representative thought that the commission could still collect and examine legislation and other

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

evidence regarding the problem. Many United Nations bodies had succeeded in doing useful work even when denied access to the countries with which they were concerned. Furthermore, he did not believe that the South African Government would refuse to co-operate. In any case, the United Nations would be failing in its duty if it did not set up such a commission. If tension was found to exist, then the United Nations should make recommendations in line with the purposes and principles of the Charter. If, however, the commission arrived at a contrary finding, then the United Nations would have discharged its duty and nothing further would remain to be done.

8. The United States representative had expressed the opinion (17th meeting) that the joint draft resolution would stiffen the resistance of the South African Government to persuasion and would result in too wide a diffusion of effort. He had added that he would prefer to leave the question of human rights to the individual conscience of Member States. The joint draft resolution did not propose the use of force. It merely sought an impartial study of the situation in South Africa and would diffuse effort less than the Scandinavian draft resolution (A/AC.61/L.12) which called upon all sixty Member States to conform to Charter obligations regarding human rights. It had, however, been heartening to hear the United States representative state that the increased restrictions being imposed in the Union of South Africa did not seem to be in keeping with the Charter. It was precisely because the Indian delegation took that view that it was in favour of the commission proposed in the joint draft resolution.

9. The sentiments expressed in the Scandinavian draft resolution were praiseworthy, but there seemed little object in reiterating declarations which had already been made in the Charter and in many previous General Assembly recommendations. The question before the Committee referred to a specific policy, that of *apartheid* adopted by the Union of South Africa, and it called for a specific solution. The Norwegian representative had spoken (13th meeting) of the concern which the question had aroused, and that concern should be reflected in the Committee's draft resolution or it would be of little value.

10. Mr. Dayal thought that many countries would be prepared to admit that they had as yet not fully realized the objectives of the Charter. But failure to achieve those objectives was quite a different matter from refusal to achieve them, such as was the case in the Union of South Africa. The difference was not in degree but in kind.

11. With regard to the amendments proposed by Brazil (A/AC.61/L.10), the Indian delegation saw no objection to the inclusion of the words proposed. The same applied to points 1 and 2 of the amendments proposed by Ecuador (A/AC.61/L.11). Point 3 of that amendment, however, was not acceptable to the Indian delegation, because it appeared essential to include in the draft resolution a request that the item should be considered by the General Assembly's eighth session.

12. Mr. MARTIN (Canada) said that the absence of rancour and the degree of self-control hitherto shown by both sides in the debate had been sufficient vindication for those who had desired that the United Nations should discuss the problem before the Committee. He

had already expressed his opinion (382nd plenary meeting) that the General Assembly should give a fair hearing to questions of the kind whenever it was possible to do so under the Charter, and the fact that such questions were difficult was no excuse for not facing them. His delegation had listened with interest to the interpretation which certain representatives had placed on Article 2, paragraph 7, of the Charter, but could not agree that those members who expressed concern about the international implications and long-term consequences of what they regarded as policies of racial discrimination were trying to override the Charter. He referred to a statement made by Mr. St. Laurent, then Canadian Secretary of State for External Affairs, in the First Committee in 1946¹ that if too great an effect were given to Article 2, paragraph 7, of the Charter it might seriously impair the extremely important rights of the General Assembly to discuss and make recommendations for the peaceful adjustment of any situation which it deemed likely to impair friendly relations among nations.

13. The Canadian delegation had been much impressed by the tactful and able manner in which the South African representative had dealt with the question under consideration, but it would vote against the South African draft resolution (A/AC.61/L.6 and Corr.1) because it felt that once the General Assembly had decided to place an item on its agenda, it had in effect decided that it had competence to discuss it. Mr. Martin did not believe that the Charter should be interpreted in such a way as to exclude discussion of an item once it had been placed on the agenda. The Canadian delegation had no intention of ignoring Article 2, paragraph 7, of the Charter, or dismissing it as a legal technicality. It felt, however, that a distinction should be drawn between intervention and the right of the General Assembly to discuss any matters within the scope of the Charter. That principle of course did not exclude the right of a Member State to oppose discussion of a question whenever it considered that such discussion would be more harmful than helpful at that particular time. But when the question was really one of timing, objections to discussion should not be raised on the grounds of the General Assembly's incompetence.

14. The Canadian delegation had always felt that an authoritative legal opinion was desirable whenever the interpretation of an important Article of the Charter was in dispute. He would support a request to the International Court of Justice, the obvious body to give such an opinion, provided that such a request was not simply a general one for a commentary on Article 2, paragraph 7, or any other Article. However, since the parties who had expressed the most direct interest in the question under discussion did not wish to follow that course, the Canadian delegation did not intend to take the initiative in requesting an opinion.

15. With regard to the various draft resolutions before the Committee, Mr. Martin felt that in the absence of an authoritative legal opinion and because of the divergence of views on the question of competence, the Committee should proceed with the utmost caution, especially since it was the first time that that particular question had been brought before it. The Committee

¹ See *Official Records of the General Assembly, Second part of the first session, Joint Committee of the First and Sixth Committees*, 2nd meeting.

should endeavour to find language which would unite rather than divide its members. The Canadian delegation would have voted in favour of the eighteen-Power draft resolution if the Scandinavian amendment as originally proposed (A/AC.61/L.9) had been carried. The language of that amendment had appeared to his delegation not as a means of dodging the issue, as some delegations had thought, but rather as calculated to avoid a reaction which might be harmful to the very people whom the Committee was anxious to help. The racial problem was a matter of concern to the whole world and not only to the Union of South Africa, for whose people Canada had a deep and abiding friendship. Since the Scandinavian amendment had been reissued as a separate draft resolution (A/AC.61/L.12) his delegation felt that it had lost some of its attraction, but still hoped that it would receive a large majority vote. The Canadian delegation would be obliged to abstain from voting on the joint draft resolution as a whole, because of doubts on the United Nations competence to take the action set out in paragraph 1 of the operative part. It would be prepared to support the first part of the Brazilian amendment and the third part of the Ecuadorian amendment, but neither of those amendments would improve the joint draft resolution sufficiently to enable the Canadian delegation to vote for it as a whole.

16. Mr. JOOSTE (Union of South Africa) regretted that the legal position taken up by his delegation confined him to the question of competence and prevented him from dealing with the merits of the case and from refuting any of the misrepresentations which had been made in the debate.

17. The South African delegation could not allow itself to become a party to intervention in the domestic affairs of Member States. One fact had emerged clearly in the debate and that was the wisdom of the founders of the United Nations in providing, by means of Article 2, paragraph 7, of the Charter, a safeguard against the use of the United Nations as a means of prosecuting feuds and rivalries in the spotlight of a world organization. Such absolute insurance against intervention was necessary because the widely divergent domestic problems of Member States could not be solved by a single universal approach. It was a pity that so many delegations were being persuaded to depart from the original interpretation of the Charter, to which South Africa would continue to adhere. If the Committee rejected the South African draft resolution it would be clear that the original meaning of Article 2, paragraph 7, of the Charter no longer held good.

18. In support of the argument that the General Assembly was competent to deal with the item under discussion, South Africa had been accused of violating the human rights allegedly imposed upon it by various Articles of the Charter. How many Member States, he asked, had such clean hands that they were able to create obligations in respect to South Africa when they would not admit the same obligations for themselves? If the Charter contained binding obligations in that connexion, why was the United Nations preparing an international covenant on human rights? There was as yet no legally binding international instrument on human rights and the Charter called only for their promotion through international co-operation. The fact that the Charter contained no provisions authorizing intervention in the domestic affairs of Member States for

the promotion of the human rights referred to in Chapter IX had been clearly stated at the San Francisco Conference. It was evident from that statement that delegations had been apprehensive that the United Nations might feel called upon to intervene in the domestic affairs of States in order to secure international economic and social co-operation. No representative had ever thought that Article 1, paragraph 3, or Article 13, paragraph 1 b, which referred respectively to the broad purposes of the Organization and to the initiation of special studies could result in a denial of the prohibition contained in Article 2, paragraph 7, of the Charter. Only one delegation had cast any doubts on the validity of the San Francisco interpretation of Articles 55 and 56, of Chapter IX. That had occurred when the representative of Pakistan (15th meeting) had quoted the answers given by a representative of the United States State Department in reply to questions on the subject of whether Chapter IX of the Charter was compatible with the principle of non-intervention. Mr. Jooste would remind the Pakistan representative that the views of the person quoted carried no more weight than the personal opinion of a representative of a government department in any State. Under the interpretation agreed upon at San Francisco, the Committee was precluded from considering the item under discussion.

19. Referring to a comment made by the representative of India (18th meeting) to the effect that refusal to recognize the General Assembly's competence to discuss the question would be equivalent to depriving it of the right to discuss the violation of pledges by Member States, Mr. Jooste said that he considered that conclusion erroneous. The Union of South Africa denied having violated the pledge undertaken under Article 56. That pledge referred to the promotion of certain varied purposes specified in Article 55. He questioned whether Members would accept recommendations in all those fields. The Indian representative held the view that if those Articles did not impose an obligation, the pledge could not be carried out and the General Assembly would be in an untenable position.

20. The fact that the Economic and Social Council and the specialized agencies had for some years been dealing with economic and social matters, while leaving individual governments entirely free to take appropriate action in those fields, was sufficient answer to that view. The Declaration of Human Rights, the Yearbook on Human Rights, and the international covenants on the subject were designed to have the same effect in the field of human rights. Mr. Jooste felt that those comments would dispose equally of the arguments put forward by the representative of Uruguay (17th meeting) and would place the Indian representative's quotation of the words of Field-Marshal Smuts in its proper context.

21. Since the South African delegation regarded the United Nations Charter as a legal document, he could not agree with the Indian representative's definition of the technical legal meaning of the word "intervention" as "dictatorial interference". Inasmuch as the General Assembly could not apply enforcement measures, namely, interfere dictatorially, there was no point in Article 2, paragraph 7, being interpreted in that sense. Mr. Jooste felt that for India the word "intervention" had a special meaning with reference to South Africa but its ordinary meaning when Kashmir was concerned. He reiterated his opinion that there was no international

legal obligation requiring South Africa to submit to the proposed intervention by the General Assembly or placing that Government's treatment of South African citizens under international jurisdiction.

22. The representatives of both Chile (381st plenary meeting) and Norway (13th meeting) seemed to consider that the Charter might be interpreted afresh to suit changing events, and revised according to the will of a majority of Members. That would have the effect of doing away with the rights and obligations originally enshrined in the Charter. The United Nations had no right to act as a supra-national organization and to usurp the sovereignty of individual Members. Mr. Jooste reminded the representative of India that the canons of construction for legislation were the same in South Africa and in India and forbade reference to the intentions of the legislator in interpreting legislation. In the case of international instruments, however, the practice was the opposite. Such an authority as Oppenheim admitted resort to the minutes of drafting committees when interpreting controversial points in treaties, and the International Court of Justice had always followed such a procedure. South Africa did not, as the Indian representative had alleged, fail to recognize the dynamic nature of the United Nations, but it persisted in its adherence to certain constant principles such as the San Francisco interpretation of the Charter. That interpretation was the fruit of the unanimous will of sovereign States, and any change in it must be brought about by the process devised by that unanimous will and laid down in Chapter XVIII of the Charter itself. In the absence of such action, there could be no new interpretation of Article 2, paragraph 7.

23. As those who were responsible for the discussion of the present item were, of course, aware of the true meaning of Article 2, paragraph 7, they had been obliged to resort to yet another charge in the hope that it would help them to maintain their contention that the Organization was competent to deal with the matter. They had endeavoured to persuade the Organization that the alleged happenings in South Africa threatened the peace, realizing that the very nature of that charge would attract wide interest and concern.

24. Not only was that charge completely without foundation, but it was also a most reprehensible attempt to create suspicion and apprehension in order to persuade the United Nations to intervene in the domestic affairs of South Africa. If the Organization were to accept as valid the allegation that there was a threat to the peace on the basis of the charges listed in the memorandum forwarded to the Secretary-General by the sponsoring States of the draft resolution (A/2183), then the United Nations would henceforth have the right to intervene in the domestic affairs of any State.

25. If, on the other hand, the United Nations were to agree that there was a threat to the peace because the South African Government's policies were not to the liking of some States and their peoples, then any action taken by any government, which displeased other governments, would henceforth be regarded as a threat to international peace. The world could then look forward to a perpetual threat to the peace, for some government somewhere would always be adopting a policy offensive to someone. That type of reasoning was a most dangerous approach to international affairs.

26. It was not true that conditions in South Africa were leading to a general conflagration on the African continent. If, however, the South African Government were to allow the agitators and their foreign masters to go about their subversive work, the situation might indeed become serious. It was mischievous to prefer such a charge, because the uninitiated could be misled by the very gravity of the charge.

27. South Africa had argued (381st plenary meeting), as had the United Kingdom and a number of other representatives, that where the Organization was debarred by Article 2, paragraph 7, of the Charter from intervening in a question, the General Assembly could not even discuss the matter. Some had contended, however, that it was essential to discuss the substance if the General Assembly's competence, or the lack of it, was to be determined. The South African draft resolution (A/AC.61/L.6 and Corr.1) had been opposed as excluding such discussion. The discussion had now taken place, and it should therefore be possible for anyone who considered that the United Nations was not competent to consider the item to support that draft resolution.

28. The South African delegation's contention that discussion did constitute intervention in the domestic affairs of a State was based on the belief that South Africa's critics had usually applied themselves assiduously to the presentation to the United Nations—and thus to the world at large—of a picture of deliberately distorted conditions in South Africa calculated to appeal to the emotions, which inevitably led to the straining of good relations and the aggravation of the problem. The discussion itself was an encouragement to agitators and dissidents. The South African Government's policies had been distorted and its motives impugned for the obvious purpose of discrediting and injuring it.

29. The representative of Pakistan had made a speech which had been remarkable for its eloquence, its immoderate language and its reckless disregard of fact. Mr. Bokhari had used his eloquence not only to damage South Africa's good name and to make mischief between his delegation and that of South Africa, but also to incite to civil disobedience and even to open rebellion in South Africa.

30. India also had acted irresponsibly by encouraging civil disobedience in South Africa and attempting to form a third political party, which was nothing short of open interference by a foreign Government in the domestic affairs of another State. Those seeking to foment civil strife were acting in direct contravention of General Assembly resolution 377 (V). Moreover, they were encouraging others to promote subversive activities and to exploit the disagreements between South Africa and certain other countries for their own purposes.

31. A number of representatives had regretted that the matter was not being referred to the International Court of Justice for an advisory opinion. Mr. Jooste could only remind them that the representative of Pakistan had said (15th meeting), in the most emphatic terms, that if such a course were followed, no opinion of the International Court would prevent his and the other delegations concerned from continuing to pursue the matter further.

32. The South African Government had been consistent in adhering to the interpretations given at San Fran-

cisco, on the basis of which it had accepted the Charter. It was now for the United Nations as a whole to go on record whether it adhered to those interpretations or whether the guarantees and protection solemnly proclaimed in Article 2, paragraph 7, of the Charter by the founders of the Organization had now become extinct.

33. The South African representative again stressed the importance of the matter and urged all Member States to reflect carefully before doing anything which might have the most serious consequences to the United Nations. If his delegation's draft resolution was rejected, the Organization would decide that it was competent to deal with the item before it, despite the fact that it concerned matters essentially within the domestic jurisdiction of a Member State, and despite the fact that the United Nations was debarred, under Article 2, paragraph 7, from considering the item. He therefore hoped that the Committee would adopt the South African draft resolution.

34. Mr. ELIASHIV (Israel) introduced his delegation's amendment to the eighteen-Power draft resolution, which read as follows (A/AC.61/L.13):

"Paragraph 1 of the operative part:

"Delete the words 'its findings to the eighth regular session of the General Assembly' and substitute the following: 'its conclusions to the Secretary-General for transmission to the Members of the United Nations;'"

35. The Israel delegation felt that to perpetuate items by placing them on the agenda year after year, without regard to any intervening developments, was not only not helpful but might even be harmful, and was a practice which should be discouraged.

36. Mr. HUDICOURT (Haiti), on a point of order, said that his delegation, as well as other delegations, had received a letter from Professor Matthews, President of the African National Congress, in which the writer stated that the South African Government had informed him that if he testified before the Committee it would take measures against him and the College employing him. Consequently the College had instructed him not to appear.

37. The Haitian delegation considered it highly important, in view of that attempt at intimidation, that the Committee should see the letter before it voted on the various proposals before it. He therefore asked formally that the letter be circulated as a document.

38. Mr. BOKHARI (Pakistan) wished to reply to some of the references to his statement, a number of which had been direct, others oblique, but all none the less obvious.

39. He appreciated the great patience which the South African representative had shown during the course of the debate as well as the able, logical and earnest way in which he had defended his Government's position. Although his case could not have been more ably defended or completely expounded, it was doomed to failure.

40. Mr. Bokhari said that neither his Government nor his country could subscribe to the insidious argument that no delegation had the right to point an accusing finger at the evils or the weaknesses of any other State unless its own State was perfectly sure that its own house was in order. That insidious argument had its

limitations, as the Norwegian representative had pointed out because, while it must be conceded that Member States must be free to work towards the objectives laid down in the Charter in their own way, nothing in the Charter made it admissible for them to regress. When a Member State pursued a policy in direct opposition to the Charter, the Organization was bound to look into the matter and see what could be done to rectify that policy. It was true that the United Nations was not entitled to sit in judgment on individual acts but to judge far-reaching intentions and trends. Should a Member Government proclaim and openly attempt to pursue a policy directly opposed to the purposes of the Charter, the United Nations would be obliged to take action, which was the case in the matter under discussion.

41. It had been alleged that Pakistan was inciting to civil rebellion. Surely that impression had not been gained from his words. It must have been due to the fact that certain representatives were listening to him in anger. What he had in fact said was that while oppressed peoples had the moral right to rebel there was a way in which such rebellions could be constructively directed to avoid bloodshed, namely, to bring the matter before the United Nations. Those who feared his revolutionary intentions must recognize that if such rebellions were not brought before the United Nations and discussed openly and freely, they might develop into bloody revolutions. Surely, no Member was anxious for that to happen.

42. The sponsors of the eighteen-Power draft resolution had been charged with irresponsibility. That was completely unwarranted. He himself had no responsibility except to his own conscience, to his own faith and the faith of his people, and the faith upon which his Government hoped to build its State.

43. Mr. Bokhari said that there was another accusation which had been levelled at him. He had been repeatedly told that he had been carried away by his emotions. All important decisions were taken partly on emotion and were an outgrowth of certain ideas on which people felt strongly; surely it was better to be carried away by emotions than to be bogged down by legalistic sophistry.

44. Not a single representative who had spoken against the eighteen-Power draft resolution or had maintained that the United Nations was not competent to discuss the matter, had failed to express concern for the situation in South Africa. The proposed commission was specifically intended to make an objective study in order to counterbalance any exaggerations stemming from the emotional approach. Even if action were blocked by an affirmative vote on the South African draft resolution, the varying degrees of concern felt by all Member States would persist. Several representatives, notably those of the Netherlands and Australia, had deliberately chosen words to express that concern in order to minimize the gravity of the situation and misrepresent it before public opinion. Because it clouded the issue, that restrained use of words was no less reprehensible than the alleged immoderate language for which he had been criticized.

45. The very act of discussing the item had fulfilled one of the objectives of the eighteen sponsors of the draft resolution. All controversial issues should be dis-

cussed as some ills were often corrected merely by being ventilated. Forty-four representatives had spoken on the South African issue. That was the democratic way which he had sought to pursue. That was the democratic way which the United Nations had adopted. The right to bring issues to the United Nations and to discuss them was an inalienable right.

46. The Pakistani representative pointed out that he had not said that if the International Court of Justice was asked for an advisory opinion on the matter and that body gave a decision unfavourable to his delegation, it would at once pledge itself to work against that decision. The representative of the Union of South Africa had either misunderstood or misrepresented his words. What he had meant to say was that if recourse to the International Court of Justice was, as it appeared to be, merely a means to evade a full discussion of the issue, then his delegation would protest against it.

47. Referring to the statement made by the representative of France (16th meeting), Mr. Bokhari wished to assure that representative that he did not question that individual Frenchmen deplored the inequalities and injustices in the French colonies; but individuals could not effect changes; the entire system had to be changed. Moreover, it was impossible for any Frenchman or Englishman, no matter how lofty his principles or noble his intentions, to react in the same way as those who had survived many long years under colonial domination. They could not be expected to feel as keenly as those whose memories of their bondage were still fresh.

48. The Pakistani delegation did not wish to offend anybody. Its purpose in intervening in the debate was neither to cause a revolution nor to embarrass nor antagonize the Government of the Union of South Africa. It was pressing for the adoption of the joint draft resolution because it believed that the inequalities and injustices which existed in the Union of South Africa would inevitably lead to trouble and that the victims of unfair laws were liable to be provoked beyond the limits of reason or justice.

49. The former colonial countries were all the more critical of European civilization because they had derived from it the very laws and principles which they now legitimately claimed as their own. They were critical not because they believed the European countries to be undemocratic but, on the contrary, because those Powers had shown their sense of democracy by progressively relaxing their grip on their subject peoples. Mr. Bokhari hoped that the same motives which had prompted them to that action would continue to do so in future.

50. As regards the various draft resolutions before the Committee, the attitude of the sponsors of the joint draft resolution had already been made clear by the representative of India, and the Pakistani delegation would, of course, follow the same line. It regretted, however, that it would not be able to support the amendment submitted by the delegation of Israel.

51. Mr. SIRI (El Salvador) explained that he would vote against the South African draft resolution regarding competence because the racial conflict in that country was clearly a matter with which the General Assembly must be concerned. While El Salvador scrupulously respected the principle of non-intervention in the internal affairs of States, it was convinced that the Charter pro-

visions concerning human rights and the Universal Declaration of Human Rights authorized and, indeed, obliged the United Nations to safeguard those rights whenever and wherever they were violated. The grave implications and alarming world-wide repercussions of the regressive legislation of the Union of South Africa converted the question from one entirely within the domestic jurisdiction of the South African Government to one which was also the concern of the United Nations.

52. El Salvador would vote in favour of the operative part of the eighteen-Power draft resolution, as amended by Brazil. It would also vote for the first and third Ecuadorean amendments to that draft. Finally, it would vote for the new Scandinavian draft resolution. It had no intention, by those actions, to offend the South African Government and expressed its sincere desire for the peace and prosperity of that country.

53. Mr. MUNRO (New Zealand) recalled that his delegation had opposed (381st plenary meeting) the inclusion of the item on racial conflict in South Africa in the General Assembly's agenda. It did not feel that the matter required attention at the present stage, nor that action by the Assembly would be likely to foster a solution. Above all, it continued to have profound doubts regarding the General Assembly's competence in the matter. In the absence of an opinion from the International Court of Justice on that legal issue, it would not support any measure affecting the substance of the complaint against South Africa. Even if the competence issue were settled in favour of the United Nations, the most the Organization could do in its own interests and in those of South Africa would be to urge Member States to direct their policies towards, rather than away from the promotion of human rights for all, without discrimination. Nevertheless, as the New Zealand delegation's doubts regarding the General Assembly's competence remained unresolved, it would abstain on the South African draft resolution. It would vote against the operative part of the eighteen-Power draft resolution in the conviction that it would not contribute to a solution of the problem. Had the issue of competence been settled, it would have been prepared to vote for the Scandinavian draft resolution; in the circumstances, however, it would be compelled to abstain on that text.

54. As a member of the British Commonwealth, New Zealand welcomed the assurances of the Pakistani representative that his remarks were not intended to incite to rebellion but to encourage peaceful evolution in the Union of South Africa.

55. Mr. MAURTUA (Peru) felt that the racial problem in South Africa would be resolved as a result of the normal evolution of events and the restoration of the primacy of moral values in human relations. Peru, like all other Latin-American States, was deeply attached to the principles of freedom and equality and considered the respect of human rights to be a fundamental tenet of the Charter. Nevertheless, neither the Charter's injunctions to safeguard those rights, nor the proclamation of them in the Universal Declaration of Human Rights could be binding on Member States. Until an effective legal instrument obliging nations to implement human rights had been adopted and ratified, the General Assembly, in exercise of what might be called its moral jurisdiction, could do no more than appeal to the goodwill of States to promote observance

of those rights. Obviously, whenever human rights were safeguarded in treaties, the signatories were bound contractually to ensure respect for them. However, as the record of the San Francisco negotiations would show, the General Assembly had the right to promote respect for human rights, but the establishment of the means whereby that respect was to be ensured had been left for a later stage in the development of the United Nations. The future covenants on human rights would constitute such means and would set up the necessary enforcement organs.

56. Mr. MAURTUA then reviewed the various steps taken by the Latin-American States to consecrate the principle of non-intervention in the internal affairs of States. The sovereignty of the State as a legal entity had been declared paramount by the Organization of American States. Intervention had been interpreted to mean not only the use of force but any tendency to interfere with the juridical, political, social and economic factors which went to make up such legal entity. Accordingly, Peru could not vote in favour of any resolution which might compromise the sovereignty of a State in administering its domestic affairs. The establishment of the commission proposed in the eighteen-Power draft resolution would be tantamount to interference in the legislation of the South African Government. On the other hand, adoption of the Brazilian amendment to paragraph 1 of the operative part of that text would render the proposed commission inoperative and reduce the entire issue to an academic discussion. While Peru did not underestimate the moral factors involved in the debate, it felt that any coercion would exacerbate South African nationalism and tend to stiffen the resistance of the South African Government. Moreover, any form of intervention in South Africa's domestic affairs would establish a dangerous precedent.

57. For these reasons, Peru would not vote in favour of the eighteen-Power draft resolution. It would vote against the South African draft resolution and in favour of the new Scandinavian draft resolution with the exception of paragraph 1 of the preamble and paragraph 2 of the operative part, on which it would abstain.

58. Lord LLEWELLIN (United Kingdom), in explanation of his delegation's position, expressed appreciation of the Scandinavian draft resolution, but reiterated his delegation's belief that the entire discussion was outside the competence of the Committee and of the United Nations. Paragraph 4 of the preamble and paragraph 1 of the operative part of the Scandinavian text, in particular, reflected the aims and ideals of United Kingdom policy in all the territories for which it was responsible. Nevertheless, the United Kingdom delegation felt that the United Nations would be embarking on a dangerous course if it started to invade matters essentially within the domestic jurisdiction of Member States. That course might result in greater friction and ultimately destroy the unity of the Organization. The United Kingdom Government would view such action with profound regret.

59. Accordingly, it would abstain in the vote on all substantive draft resolutions and amendments if the South African draft resolution on competence was defeated. Its abstention should be interpreted as non-participation in a vote which it considered to be beyond the United Nations' competence and an act of disregard for the Charter.

60. Mr. ZORIN (Union of Soviet Socialist Republics) said that he would vote in favour of the eighteen-Power draft resolution in the conviction that the General Assembly was fully competent, indeed, obliged to put an end to the violation of the purposes and principles of the Charter implicit in South Africa's racial policies. The proposed commission might not only contribute to a solution of the South African problem, but to the elimination of racial persecution in other countries where it was still practised. The South African draft resolution was not in accordance with the Charter and the USSR would vote against it.

61. The new Scandinavian draft resolution, like the Ecuadorean and Israel amendments to the eighteen-Power draft, attempted to weaken the original text and the Soviet Union would therefore vote against them. The Scandinavian draft consisted of general statements and pious hopes designed to cover up South Africa's violation of the Charter and to open the way to future violations by any governments which might find such conduct expedient. The fourth paragraph of the preamble reflected the view expressed by the United States representative (17th meeting) to the effect that approval of a policy of increasing restrictions could not be harmonized with the general provisions of the Charter, the implication being that existing restrictions might be countenanced. The USSR rejected that implication vigorously. The Scandinavian draft resolution might further mislead public opinion into believing that by its adoption, the United Nations was taking concrete measures to end racial discrimination in South Africa. Those were false illusions. Thus, the Soviet Union would vote against the Scandinavian draft resolution, with the exception of the first three paragraphs of the preamble, on which it would abstain.

62. The Ecuadorean amendments to the eighteen-Power draft were intended to water it down. The second amendment, in particular, would introduce ambiguity in the terms of reference of the proposed commission.

63. Finally, the Brazilian amendments were superfluous and the USSR would abstain from voting on them.

64. The Soviet Union delegation objected to all attempts to weaken the joint draft resolution because it considered that the racial policies of the South African Government were an instrument by which the ruling circles of that country were trying to perpetuate their colonial domination. The USSR, which had been founded on the right of all peoples to self-determination and on the equality of all races, would support the fight against colonialism in all its forms.

65. Mr. QUINTANILLA (Mexico) said that his delegation would vote in favour of the eighteen-Power draft resolution. He accepted the first and third Ecuadorean amendments and shared Ecuador's view that retention of the fifth paragraph of the preamble would appear to endorse racial persecution of minorities. The Mexican delegation would be prepared to accept Ecuador's second amendment, provided the passage it proposed to delete were replaced by the Brazilian amendment supplemented by a reference to Articles 1, paragraph 3, 13 b, 55 c and 56 of the Charter. The relevant passage would then read: "... to study and examine, with due regard to the provisions of Article 2 7, Article 1 3, Article 13 b, Article 55 c and

Article 56 of the Charter, the racial situation . . .". Thus, the proposed commission would be given balanced terms of reference; it would have an adequate legal basis on which to operate; it would be taking account of the Charter guarantee against intervention in domestic affairs, on the one hand, and of the Charter guarantees regarding human rights, on the other.

66. Mr. Quintanilla asked the Brazilian representative to accept the suggested addition to his first amendment. Mexico had no objection to the second Brazilian amendment. It could not, however, accept the Israel amendment because it would be a breach of parliamentary practice to have the proposed commission report to any but the organ which had constituted it. Moreover, the Mexican delegation would have no objection to voting for the Scandinavian draft resolution after the eighteen-Power draft had been adopted. It noted, however, the incongruity between the preamble of the Scandinavian text, which specifically referred to the racial situation in South Africa, and the operative paragraphs which were of general scope and universal application. The eighteen-

Power draft resolution attempted to resolve the specific situation in South Africa; if it was approved, there would be no point in reverting to the Scandinavian draft.

67. The Mexican representative assured the South African delegation that the adoption of the eighteen-Power draft resolution was not intended to offend or condemn South Africa. Mexico had great respect and admiration for that country; it was not voting against any nation; it was voting for a principle and against the violation of that principle.

68. Mr. BOULITREAU FRAGOSO (Brazil), speaking on a point of order, accepted the proposed addition of the Mexican delegation to his first amendment.

69. Mr. FRONTAURA ARGANDONA (Bolivia), as one of the co-sponsors of the eighteen-Power draft resolution, accepted the new text of the first Brazilian amendment.

The meeting rose at 6.30 p.m.