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CONTENTS

***Chairman*: Mr. Alexis KYROU (Greece).**

Treatment of people of Indian origin in the Union of South Africa (A/2218, A/AC.61/L.5/Rev.1) (*continued*)

[Item 22]*

1. Mr. JONES (Liberia) said that it was clear from the South African representative's statement, and from his Government's letter of 25 September 1952 (A/2218, annex 2), that that Government seriously questioned the Secretary-General's right to take action on resolution 511 (VI) to facilitate negotiations between the Governments of India, Pakistan and the Union of South Africa, and that it refused to accept the terms of resolution 511 (VI) and claimed that the United Nations was interfering in a matter which was essentially within the domestic jurisdiction of the Union of South Africa. The South African Government was continuing to enforce the Group Areas Act with complete disregard for the opinion of the General Assembly.

2. The Liberian delegation wondered how much longer certain countries would continue to disregard the General Assembly's resolutions, especially when they did not meet with their approval, under the pretext that those resolutions were an interference in their domestic affairs.

3. It could not understand how the Union of South Africa could continue to raise the question of United Nations competence after the General Assembly had decided by an overwhelming majority of forty-seven votes that it had the right, under the Charter, to consider any question which threatened international peace and that it likewise had the right to assure respect for Article 13 b of the Charter.

4. The South African representative claimed that the charges of racial discrimination brought against his country were devoid of all foundation. The only solution put forward by the Union of South Africa for the problem under discussion was that all persons of Indian origin should be returned to their country.

5. The Indian delegation had pointed out that the Indians now in the Union of South Africa had gone there under an agreement entered into by the Government of the United Kingdom at a time when the Union of South Africa had not yet attained Dominion status. Under that agreement the Indians had been given the option of either returning to their country of origin or remaining in South Africa where they would enjoy all the rights accorded to British subjects. The Indian delegation had also pointed out that all persons of Indian origin at present in the Union of South Africa had been born in that country and had, to all intents and purposes, broken all connexions, family and otherwise, with their mother country.

6. The Liberian delegation therefore thought it unjust that a population which had contributed to the prosperity and welfare of the Union of South Africa should now be regarded as an alien population and that there should be talk of deporting it for economic and social reasons. If persons of Indian origin were to be regarded as aliens and were to be deported, it would follow logically that the white population of South Africa should also be regarded as foreigners and be deported, since South Africa was obviously not their country of origin either.

7. Furthermore, if the South African Government were to solve the racial problem by deporting persons of Indian origin it should mete out the same treatment to the millions of indigenous inhabitants who were not of European stock. Where could those millions of human beings be sent? As long as they remained in South Africa, the Government of that country would be faced with a racial problem and would continue to violate the Universal Declaration of Human Rights.

8. The South African representative had pointed out in his statement to the Committee (8th meeting) that his Government had suggested to the Government of

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

India that the question should be settled in accordance with the agreements reached at Cape Town. India could hardly be expected to agree to such a course after South Africa had ignored all the General Assembly resolutions and had passed and enforced the Group Areas Act.

9. Every State had the right to enact laws to protect its own security and interests, but it was inconceivable that a State should pass laws which were incompatible with its solemn undertakings and with the Universal Declaration of Human Rights. It was heartening to note that some white people in South Africa condemned such racial legislation; he quoted, in support of his assertion, statements by Mr. Lowell, Mr. Brooks and Mrs. Ballinger, members of the South African House of Assembly.

10. The Group Areas Act was a negation of human rights and even were it possible to apply it equitably it would still be contrary to justice and the principles of the Universal Declaration of Human Rights and the Charter. Liberia agreed with those Member States who believed the Act to be inhuman and injurious to human dignity and that it could only lead to animosity between peoples of different races.

11. There could be no peace in the world as long as one race was held in bondage to another. That was why the Liberian Government would support any resolution designed to improve the social, economic and spiritual welfare of the peoples without distinction as to race, religion or colour. It was in that spirit that the Liberian delegation had joined the other fourteen States in sponsoring the joint draft resolution before the Committee (A/AC.61/L.5/Rev.1). It was to be hoped that the Union of South Africa would heed an appeal made to it by so many countries.

12. The CHAIRMAN read the list of speakers which he declared closed.

13. Mr. CASEY (Australia) said that the matter under discussion was of the utmost importance not just to individual States but to all States. At the 381st plenary meeting of the General Assembly he had explained his country's view, namely, that the matter was outside the competence of the United Nations.

14. Public opinion within a country could change, but that was never a rapid process and could not, moreover, be hastened as a result of the intervention of other countries. An assembly of nations should not rise against a State and try to mobilize public opinion to compel it to act in a specific way. It should not be forgotten, moreover, that every action had its opposite reaction.

15. The Australian delegation had always maintained that the General Assembly should have declared itself incompetent to deal with that matter under Article 2, paragraph 7, of the Charter. The meaning of Article 2, paragraph 7, of the Charter was very clear and could be interpreted in only one way. The fact that the question had been raised in the General Assembly and had even been the subject of resolutions in no way implied that it was no longer within the domestic jurisdiction of the State directly concerned. To admit such a procedure would open the way to the consideration of countless questions, which many States might well regard as a violation of the conditions upon which they had accepted membership in the United Nations.

16. It was not sufficient to point to certain Articles of the Charter to justify the consideration of questions which, even if of international interest, were nevertheless a domestic concern. Article 2, paragraph 7, by reason of its position in the Charter, governed the application of all the other Articles of the Charter.

17. In the case under discussion, the General Assembly was being asked to pass judgment on a law which had been enacted by a Member State. The Australian delegation had no desire to discuss the merits or demerits of that law but wished only to emphasize, in addition to the danger of violating the provisions of Article 2, paragraph 7, the explosive and undesirable consequences of exploiting racial issues in the United Nations. Racial issues could not be ignored; they existed and their solution required great wisdom and tolerance. Mr. Casey therefore appealed to all those who sincerely wished for an equitable solution of those issues to ask themselves whether discussion in the General Assembly would not do more harm than good. He had learned from experience that racial issues could be usefully discussed only by those directly concerned.

18. No country was more anxious than Australia to see a solution of a question which had been on the General Assembly's agenda since 1946. It fervently hoped for an amicable settlement as it maintained the most friendly relations with the countries directly concerned and because it feared the consequences of violating Article 2, paragraph 7, of the Charter. It still hoped that the matter might be settled through direct negotiation between the parties concerned.

19. In that connexion, Mr. Casey drew attention again to what had been said by the parties when they had met earlier in 1950: talks were to take place on a completely equal footing in order to explore all possible ways and means of settling the Indian question in South Africa; nor were the talks to prejudice, in any way, the question of domestic jurisdiction of the States concerned. Unfortunately the propitious atmosphere which had then reigned had not lasted and the proposed talks had never taken place. The Australian delegation believed that the parties should be urged to open direct negotiations.

20. Mr. Casey did not question the motives of the States which had raised the matter in the General Assembly, but wished to point out that in seeking a solution of certain specific questions there was a danger that much greater and more intractable problems might be raised. He therefore urged all Members to place international before national questions.

21. Mr. FRAGOSO (Brazil) said that it was not the intention of his delegation to pass judgment on the conduct of any State; it had the deepest respect for the peoples and governments parties to the dispute which the General Assembly had been called upon to consider.

22. The Union of South Africa was accused of pursuing a policy of racial discrimination. Brazil was in a favoured position to discuss that question because racial problems in Brazil had been resolved without friction or conflict. It would not, however, invoke that example because it was too well aware that circumstances differed radically from country to country.

23. To offset the charges of tyranny and oppression brought against the Union of South Africa, account

should be taken of that country's record in the common struggle against oppression and tyranny. In the two world wars, its soldiers had fought in Europe and Africa for the cause of freedom and against totalitarian intolerance. Many countries of the Middle and Near East had been spared the ordeals of enemy occupation largely through the efforts and the courage of South African armed forces.

24. The Union of South Africa could be equally proud of its peace time achievements. That prominent member of the British Commonwealth was today one of the most progressive countries on the continent of Africa. It was one of the few countries in the world to have achieved, in the troubled post-war period, a political equilibrium based on a sound economy which was now rapidly developing. The grave social problems with which it now had to cope had arisen to a great extent precisely because it had initiated a great undertaking in areas where modern civilization was still unknown.

25. The Governments of India and Pakistan, for their part, were perfectly entitled to take the position they had so firmly maintained up to the present. They merited nothing but approval for being concerned for the interests of people of Indian origin living outside India and for ensuring that they received fair and equal treatment. It was regrettable that a racial problem should exist in a civilized community, but it was intolerable that no solution could be found for that problem. The Brazilian delegation felt that there was no cause for despair; it should certainly be possible to reconcile the parties to the dispute. The reason why that had not yet been possible was doubtless that the two parties had taken too intransigent a position since the question had been placed before the General Assembly.

26. In 1946, the majority of Member States already felt that the question could and should be resolved by the parties directly concerned. By resolution 44 (I) the General Assembly had recommended that the three Governments in question should enter into negotiations on an equal basis to seek means of settling the question. That proposal had been accepted to a certain extent by the three States, but the Union of South Africa had raised the question of domestic jurisdiction while India had prejudged the outcome of the negotiations by stating that they would not help to resolve the problem.

27. It was clear that the question had international aspects; nevertheless, no one was seeking to deny South Africa's domestic jurisdiction. The Brazilian delegation was convinced that the incontestable right of every State to resolve its internal difficulties was not restricted by international debate whenever the interests of other States were involved. In the case under discussion, nothing could be done without the consent and cooperation of the Union of South Africa; that fact alone proved that South Africa's sovereignty was recognized and respected.

28. The Brazilian delegation felt that the three States concerned should resume negotiations as soon as possible, with no reference to the preliminary conversations held in Cape Town in 1950. If the Union of South Africa stated its readiness to take part in those negotiations, India and Pakistan should agree to them unconditionally.

29. The Brazilian delegation approved in principle the joint draft resolution before the Committee because it showed the course to be followed in resolving the problem. It would request, however, that the text be voted on paragraph by paragraph as it intended to abstain on the third paragraph of the preamble and on paragraph 4 of the operative part.

30. Mr. BARISIC (Yugoslavia) recalled that, since the General Assembly's first session, the Yugoslav delegation had supported the Indian proposal[1] to put an end to the situation created by the policy of racial discrimination practised by the South African Government. The resolutions successively adopted since then had had nothing but disappointing results; far from improving, the situation had deteriorated; discriminatory measures against the minority of Indian origin were becoming more numerous and the problem raised by the racial policy followed by the Union of South Africa was assuming ever larger proportions.

31. When the very principles of civilization were at stake, the United Nations had no right to abdicate in the face of the stubborn refusal of one of the parties to abide by the General Assembly resolutions. It should not lose hope either, because the growing indignation of the public and of certain Member States towards the policy of racial discrimination was an encouraging sign. The Yugoslav delegation would vote in favour of the joint draft resolution because it felt that the course advocated, the establishment of a good offices commission, would seem to be one of the best suited to resolve difficulties of that nature. It was to be hoped that the Government of the Union of South Africa would recognize that it was in its own interest to resolve the problem in accordance with the purposes and principles of the Charter.

32. Mr. MOSTAFA (Egypt) pointed out that when it voted in favour of the General Assembly's successive resolutions, the Egyptian delegation had not been moved by any feeling of hostility or ill-will towards the Government of the Union of South Africa. Its position had been based on the following considerations. First, any exceptional treatment accorded a group of the population of a Member State was contrary to the principles of the Charter because it incited to hatred and might give rise to disturbances endangering international peace and security. Secondly, the measures advocated by the General Assembly in its various resolutions aimed at resolving the problem by recourse to the methods provided in the Charter. In the same spirit, the Egyptian delegation had joined in drafting the joint resolution having in mind that, up to the present time, the Assembly's recommendations had not been given effect owing to the resistance offered by the Government of South Africa. The Egyptian delegation was not trying to interfere in the internal affairs of a Member State, nor to jeopardize its sovereignty; it merely asked that the Charter should be applied and that an end should be put to an anachronistic situation which might have unfortunate consequences.

33. The racial discrimination practised in the Union of South Africa raised a very serious problem. The

[1] See *Official Records of the General Assembly, Second part of first session, Joint Committee of the First and Six Committees, annex 1, d.*

indigenous population provided valuable man-power for the mines and factories. On the other hand, indigenous persons could hold only the most menial jobs and for work equal to that of the whites they received much lower wages. They did not have the right to choose their place of domicile, nor to move about freely without a police permit. Moreover, they did not have the right to set up trade unions. Even in South Africa voices had been raised in protest against that situation and in defence of the indigenous population. Mr. Mostafa proposed to deal with that subject in greater detail when the next item of the agenda was taken up for discussion.

34. The modern world was witnessing the awakening of oppressed peoples and their struggle for economic and political equality. The position of the United Nations, and more specifically that of the economically and militarily advanced nations, would determine whether that evolution would proceed along the lines of international collaboration and the pacific settlement of disputes in accordance with the principles of the Charter, or whether, on the contrary, it would veer toward aggressive action and become a force of retrogression. It was the duty of the United Nations and of the Member States to condemn any policy of racial discrimination, for such a policy must necessarily lead to disturbances and was therefore likely to endanger international peace. It was in the best interest of all States to work together in fulfilling the aspirations of oppressed peoples, if only to prevent them from realizing their aspirations outside or even against the United Nations.

35. Mr. SPRAGUE (United States of America) expressed his delegation's agreement with the statement made by the Mexican representative at the 9th meeting, in favour of conciliation rather than recrimination. The Mexican representative had recalled the successful results achieved by Mexico and the United States, with the assistance of a good neighbour commission, in resolving problems connected with persons of Mexican origin.

36. The very fact that the question of the treatment of Indians in South Africa had repeatedly come before the General Assembly was in itself a proof of the difficulties that had been encountered in finding a satisfactory solution. Because the matter was such a difficult one, it was important for the United States delegation to state clearly the purposes for which it was entering the discussion.

37. He spoke for a country which was founded upon the belief that all men were created equal, and that the function of government was to protect the rights of all men alike to life, liberty and the pursuit of happiness. Safeguards for those basic rights were written into the Constitution of the United States. The economy and culture of the United States had also been enriched by streams of immigrants of many nationalities and of the most varied habits and beliefs. In signing the Charter of the United Nations, of which the Preamble explicitly affirmed the faith of the Organization in the dignity and worth of the human person and in the equal rights of men, the United States had reaffirmed a belief which it considered to be fundamental. However, to translate ideals into realities in the field of human relations was a long and difficult task. Eighty-seven years had elapsed between the Declaration of Independence and President Lincoln's Emancipation Proclamation. It had taken a long and bloody civil war to end the evil of human slavery. Though additional amendments to the Constitution to confirm equality under the law had been adopted, the question of civil rights remained one of the acute problems in the United States. Despite the legislation passed by various States, there was still resistance in many areas to the adoption of compulsory legislation to prohibit discrimination in employment on the grounds of race, colour or religion.

38. The roots of discrimination ran deep: they might lie in fear or ignorance or prejudice, or they might lie in disparities of culture and resources which could not be erased by a mere fiat of law. Progress came in human relations through the spread of education and through moral enlightenment. Such progress was often discouragingly slow, as the experience of the United States had shown. In that field, no nation was exempt from criticism. Racial prejudice was the more pronounced in countries where groups of the more advanced civilizations were in contact with less developed peoples, where the standard of living was low and where the struggle for existence sharpened ancient prejudices.

39. Despite the difficulties that lay along the path, the direction in which it should lead was clearly defined by the Charter, which stated that one of the purposes of the United Nations was "to achieve international co-operation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion". The test, therefore, was not just how bad conditions were in a country, but whether efforts were being made by the Government concerned to improve those conditions in the direction of the goals set by the Charter. In the case under consideration, there appeared to be a serious difference in the national policy of the Union of South Africa from that endorsed by the Charter. There was an important distinction to be drawn between the haphazard, vestigial, unsanctioned violations of human rights, which continued to occur in all countries, and a government policy which ran counter to the whole current of modern philosophy and scientific knowledge and to the line of social and humanitarian conduct recommended in the Charter. It was true that the question before the Committee had its own geographical, cultural and economic peculiarities. Extreme and peculiar difficulties did not, however, relieve a government of its responsibilities; nor could they relieve the United Nations of its obligations in that field.

40. Turning to the question of what the Committee might hope to accomplish by a renewed discussion of the problem, Mr. Sprague said that his Government hoped that there would first be created an atmosphere favourable to negotiations between the parties. The United Nations should not attempt to impose any solution to a problem that must finally be solved by the parties themselves. Progress could be hoped for only to the extent that the parties were willing to confer. The many and disappointing set-backs in the case had

occurred precisely because contact had been broken off, thus making impossible the exchange of views essential to any settlement. The activity of the United Nations could most usefully be directed towards bringing the parties together, and any action that might in any way hinder the resumption of negotiations should therefore be carefully avoided.

41. The measures to be taken by the Assembly should above all be in conformity with the purposes set forth in Article 1 of the Charter, which provided that the United Nations should promote and encourage respect for human rights for all without distinction as to race, sex, language or religion, and should be a centre for harmonizing the actions of the nations in the attainment of the common goals laid down in the Charter. It was clear from the text of that Article that resolutions should not be such as to excite adverse nationalist reactions; they ought rather to follow the path of accommodation through negotiation.

42. The United States delegation would measure every proposal before the Committee by the yardstick defined in the Charter. Thus measured the joint draft resolution set forth a possible approach to the problem; but, according to the same yardstick, it also contained certain doubtful provisions. Experience had shown the inadvisability of censuring a piece of national legislation, however unacceptable its philosophy might be to many Members; that, however, was what was done in paragraph 4 of the operative part of the joint draft resolution. Furthermore, by calling upon the Government of the Union of South Africa to suspend the implementation of the provisions of the Group Areas Act, pending the conclusion of the negotiations, that paragraph appeared to impose a condition preceding the negotiations between the two parties. Although that condition might represent the Committee's own view of a satisfactory situation for negotiations, its conclusion might actually impair the achievement of the first and immediate objective, which was to have the parties resume their negotiations. The United States delegation, whose only aim was to encourage and assist those negotiations, therefore considered that that provision was unwise and inopportune. In its opinion, the Committee might not be helping the proposed Good Offices Commission by instructing it when to report and deciding to put the item on the agenda of the General Assembly's eighth session. If the Good Offices Commission deemed it useful to report to the eighth session, it would be mandatory, under rule 13 of the rules of procedure, for the Secretary-General to include the report in the provisional agenda; if it did not, any Member would be entitled to propose the inclusion of the item in the agenda at that session. It would thus be sufficient to request the Good Offices Commission to report to the Assembly at such time as it deemed appropriate. It would therefore seem preferable to omit paragraphs 2 and 5 of the operative part. With those reservations the United States delegation would support the joint draft resolution.

43. Mr. OGBAZGY (Ethiopia) sincerely regretted that the issue before the Committee had, for six years, embittered relations between two Members of the United Nations for which Ethiopia had the highest esteem and with each of which it had always maintained friendly relations.

44. In view of the discussions already held on the matter, and, in particular, in view of the debate that had taken place at the 381st plenary meeting on 17 October concerning the inclusion of the item in the agenda, the Committee should not confine itself exclusively to the merits of the case, but should also examine the question of competence. The General Assembly had determined, by a large majority, that the vote on the inclusion of the question in the agenda did not involve the question of the United Nations competence to examine the substance of the question. As the representatives of Brazil and Chile had stated, the discussion of substance was necessary in order to determine the question of competence.

45. The Ethiopian delegation had no intention of reopening the debate and questioning the competence of the United Nations in the matter. In its opinion, however, it was essential to allay the legitimate anxieties on the part of the South African Government as to possible interference by the United Nations in matters of purely domestic concern, if a prompt, just and effective solution to the problem was to be reached.

46. The question of the treatment of Indians in South Africa had been brought before the General Assembly by India on the basis of Article 35 of the Charter, which provided that any Member of the United Nations might bring to the attention of the General Assembly any dispute or any situation which might lead to international friction or give rise to a dispute. Undue attention had all too often been paid to the word "situation" at the expense of the word "dispute". It was clear that the question of the treatment of Indians in South Africa had for six years been a subject of dispute between India and the Union of South Africa, and not merely a situation that might lead to a dispute between those two nations.

47. If it were no more than a "situation", Article 2, paragraph 7, of the Charter could be invoked. On the other hand, the submission to the United Nations of a "dispute" between two of its Members remained strictly within the terms of the Charter, of which Chapter VI was entitled "Pacific settlement of disputes". The contention that a dispute between Members of the United Nations could not be submitted to the United Nations without that action constituting an intervention in the domestic jurisdiction of those countries reduced to nothing the value and importance of the United Nations in the maintenance of world peace. It was at the same time clear that a Member State might request that the United Nations should consider as a dispute a matter in which it had no legitimate interest. A Member State directly interested should, *a fortiori*, be able to draw the attention of the General Assembly to a dispute which injured its interests.

48. The Ethiopian delegation considered that the dispute between India and the Union of South Africa clearly and directly affected the interests of Indians in South Africa, and hence the interests of the Indian Government. In the circumstances, it considered that the settlement of the dispute was not only within the competence of the United Nations, in virtue of Chapter XI of the Charter, but that it was also the duty of the United Nations to seek to resolve it.

49. The Ethiopian delegation hoped that during the course of the discussions and of the drafting of the resolution, the South African delegation would be given sufficient assurances to permit it to take practical and conciliatory measures.

50. Naturally, Ethiopia, an African State, could not remain indifferent to any alleged violations of human rights on African soil. Its liberal traditions had always led it to collaborate in all efforts undertaken for the attainment of equality throughout the world. Ethiopia therefore appealed to the Union of South Africa, which had already sacrificed so heavily for justice and freedom throughout the world, to make every effort to achieve an early and just solution to a problem of such deep concern to all the countries in Africa, the Middle East and throughout the world.

51. The Ethiopian delegation supported the joint draft resolution, and at the same time hoped that some way might be found for allaying the fears of the South African delegation and for evolving a solution to that vexatious problem.

52. Mr. MUNRO (New Zealand) said that his delegation had serious doubts as to the competence of the United Nations in the matter. The fact that the General Assembly had already adopted several resolutions on the question did not automatically establish its competence. In order to dispel those doubts, the General Assembly should, at the very outset, have requested an advisory opinion from the International Court of Justice.

53. In the absence of such clarification, the New Zealand delegation could not support any draft resolution dealing with the substance of the question. Moreover, the three Governments concerned and the Good Offices Commission should be free to seek whatever solution appeared best to them. In so doing, they should not be subject to restrictions on the part of the General Assembly. Yet, that was precisely what was being done under paragraphs 1 and 4 of the operative part of the draft resolution. Furthermore, to call upon the Government of the Union of South Africa to suspend the implementation or enforcement of the Group Areas Act constituted an intrusion into the domestic affairs of the Union of South Africa and was contrary to the very purpose of the resolution. For the reasons given, the New Zealand delegation would vote against paragraph 4 of the operative part and would abstain on the other paragraphs of the joint draft resolution.

54. Mr. ROY (Philippines) deeply regretted that, after six years, the dispute between India and the Union of South Africa had not been settled. The Philippine delegation was particularly disturbed by the fact that the Union of South Africa had consistently failed to take into account the resolutions which the General Assembly had adopted in the matter. That fact was likely seriously to undermine the prestige of the United Nations.

55. The Philippine delegation had already clearly stated its position on the question which, in its view, constituted a serious threat to international peace. It was incumbent upon the United Nations to intervene in the dispute not only in virtue of the Charter but also under the terms of the Universal Declaration of Human Rights. In taking up the question, the United Nations had never intended to interfere in the domestic affairs of the Union of South Africa; it had merely wished to persuade the parties concerned to seek a peaceful solution of the dispute. That was clear both from the resolutions previously adopted by the General Assembly and from the draft resolution now before the Committee.

56. The primary purpose of the joint draft resolution was to enable the Governments concerned to find a solution to the present dead-lock. The Member States represented on the Committee had not forgotten the bitter experience of the recent past. They were aware of the harm which racial policies had caused in the world and of the danger which the revival of the master-race theory presented to world peace. The joint draft resolution, like the previous resolutions adopted by the General Assembly, asserted the conviction of States Members of the United Nations that the time had come to put an end to practices of racial discrimination. That could be achieved only through conciliation and it was that spirit of conciliation which had actuated the draft resolution. Though the behaviour of the Government of the Union of South Africa, which had consistently ignored every recommendation made by the General Assembly, warranted stronger action on the part of the Assembly, the Philippine delegation hoped that that Government would give proof of its common sense and goodwill and agree to abide by the spirit and letter of the Charter.

57. Mr. PATIJN (Netherlands) observed that it was a generally accepted rule of law that a matter ceased to be within the domestic jurisdiction of a State if it fell within the provisions of international law. The Netherlands delegation was not certain that the question of racial discrimination fell within those provisions. On the other hand, racial segregation as practised under the Group Areas Act was in conflict with the principles of the Charter. Thus, the issue of racial discrimination appeared to come both under positive law and moral law. The question whether it was within the competence of the General Assembly to take any decision on the issue before it was far from settled. It seemed, however, that the General Assembly could not, without interfering in the domestic affairs of the Union of South Africa, call upon the Government of that country to suspend implementation of a national act, as provided for under paragraph 4 of the operative part of the joint draft resolution. The Netherlands delegation intended to revert to the question of competence when the Committee considered the next item on its agenda. However, it wished to state at the very outset that the fact that the question had been considered previously and that resolutions had been adopted did not constitute sufficient proof of the General Assembly's competence in the matter. The Netherlands delegation would therefore vote against paragraph 4 of the operative part of the joint draft resolution and would abstain in the vote on the resolution as a whole.

58. Mr. LACOSTE (France) felt that when a question came before the General Assembly year after year, with the facts remaining unchanged and the positions of the parties concerned substantially the same, delegations taking part in the debate could not be expected to alter their views. There was therefore little hope

that the present debate would result in any real progress towards settlement of the question. The French delegation nevertheless considered it desirable to state its position on the substance of the problem.

59. France shared the concern previously expressed by several other countries. It had too much respect for the fundamental principles of the Charter, for the dignity of man, for human values and for human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion, not to realize the importance of the question before the Committee and not to hope for a prompt and amicable solution. But the French Government was equally conscious of the importance of making a judicious choice of methods likely to ensure respect for the rights and freedoms of States which were, after all, merely a collective expression of the rights and freedoms of the individual which the Charter had sought to defend and which the United Nations had placed at the very beginning of the Charter, thus emphasizing their fundamental importance and scope.

60. The French delegation considered that despite those good intentions the joint draft resolution was not likely to offer a solution to the problem. It remained convinced that a solution acceptable to all and one which would therefore be effective and lasting could be reached only through direct negotiation among the parties to the dispute. For the reasons given, the French delegation, disinclined to vote against the draft resolution in view of the spirit of conciliation with which its authors had been imbued, would abstain in the vote on the text as a whole, thus expressing its conviction that the draft, besides failing to offer a solution to the problem, was likely to delay that solution.

61. The French delegation was nevertheless compelled to vote against paragraph 4 of the operative part of the joint draft resolution which constituted interference in the domestic affairs of the Union of South Africa. It would also vote against paragraph 2 under the terms of which a commission, its membership as yet not established, was invited to submit a report to the General Assembly; and against paragraph 5 under which the General Assembly decided to include the item on the agenda of its next ordinary session. Both paragraphs prejudged a year in advance the decisions which the General Assembly might take, in the light of the circumstances existing at that time, when it met again in 1953.

The meeting rose at 12.10 p.m.

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