

**GENERAL
ASSEMBLY**

SEVENTH SESSION

Official Records



AD HOC POLITICAL COMMITTEE, 11th

MEETING

Friday, 7 November 1952, at 10.30 a.m.

Headquarters, New York

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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. CASTILLO ARRIOLA (Guatemala) said that in the course of the debates on the question for the past several years, the Committee had heard such complete and detailed presentations of the opposing points of view that it was unnecessary to revert to the arguments adduced. The Guatemalan delegation would therefore confine itself to explaining the reasons for its support of the joint draft resolution before the Committee (A/AC.61/L.5/Rev.1).

2. United Nations action hitherto had remained so ineffectual that there had been a move to block inclusion of the question in the agenda. The Guatemalan delegation, for its part, had voted for the inclusion of the item because, without questioning the good faith of the Union of South Africa, it had realized that the problem was one of racial discrimination. Public opinion had been deeply stirred by that threat to human rights and the Guatemalan delegation hoped that the question would be given the peaceful solution for which public opinion was clamouring. Guatemala's position was based solely on its concern to promote human brotherhood and to ensure the observance of human rights. It reflected the fundamental principles of the Guatemalan Constitution which prohibited any discrimination.

3. Indisputably, the United Nations was competent to consider the problem. Had there been the slightest doubt in that respect, Guatemala, with its scrupulous recognition of the domestic jurisdiction of States, would have opposed any consideration of the problem by the Organization. Nobody was questioning South Africa's right, or the right of any other country, to promulgate the laws and regulations which it considered to be in the best interests of its people. Laws and regulations governing such matters as the country's economic life

were exclusively within the domestic jurisdiction of a State. For example, the nationalization measures adopted by Bolivia, Mexico and Iran were in that category. When such laws and regulations directly affected human rights, however, they went beyond the domestic jurisdiction of States. In the name of fundamental human rights, Guatemala was concerned with the fate of human beings living under conditions which it would deplore wherever they existed. It therefore supported the joint draft resolution, which, in a spirit of equity, proposed the establishment of a good offices commission whose great potential moral influence had been recognized by the majority of delegations.

4. Count d'ASPREMONT LYNDEN (Belgium) observed that despite the General Assembly's resolutions on the question, no progress had been made. Admittedly, the problem was extremely complex and most difficult to resolve. Nevertheless, it might well be asked whether the United Nations had actually done its utmost, whether the peoples of the world had nothing with which to reproach the Organization, whether it had followed a sound course and whether the measures it had taken had in every respect been in conformity with the principles of the Charter.

5. The question of competence had been raised on the basis of one of the most important provisions of the Charter, namely, Article 2, paragraph 7. It might well be asked whether the Assembly should not logically have clarified the matter of competence at the outset. As early as 1946, the Belgian delegation had sponsored an amendment suggesting that an advisory opinion should be sought from the International Court of Justice.¹ The amendment had been rejected and, up to the present time, that previous question, which was crucial, had not been settled.

6. In the opinion of the Belgian representative that was why the Committee's work had been doomed to sterility. To maintain that the question of competence

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

¹ See *Official Records of the General Assembly, Second part of the first session, Joint Committee of the First and Sixth Committees, 4th meeting.*

had long been settled, inasmuch as the Assembly had adopted several resolutions and taken a stand on substance, was to beg the question. Indeed, either the Assembly was competent or it was not: if it was not, it could not correct that initial defect by taking decisions, however numerous, which assumed its competence. Legitimacy could not be built on a series of irregular actions.

7. Belgium's position had not changed since the establishment of the United Nations. Belgium was determined to remain faithful to the Charter, to its principles and to all its provisions. In its view, a distinction could not be made between Articles of the Charter so that expediency and the emotional currents of the time would determine whether some would be applied and others violated. It had the greatest respect for the Charter provisions for the universal observance of human rights and fundamental freedoms and the abolition of discrimination, particularly racial discrimination; but it felt that the provisions of Article 2, paragraph 7, barring the United Nations from interference in matters essentially within the domestic jurisdiction of any State, were no less important. The Belgian representative was surprised to find so many representatives of small States, whose armed forces and natural resources were as limited as those of Belgium, supporting the joint draft resolution. He was surprised that they prized so lightly the basic guarantees of their independence and sovereignty contained in Article 2, paragraph 7. Trends of opinion were subject to change. Every State might have internal difficulties. It would be interesting to know the reaction of those small States if, when the current of world opinion should turn against them, the United Nations were to presume to interfere in their internal affairs. The Belgian representative appealed to them to make their decision solely in the light of the provisions of the Charter, for those provisions had been conceived in the best interests of all peoples, irrespective of their cultural background or racial origin or of the sovereign State of which they were nationals. The objectives of the Charter could be achieved only by its strict observance in all circumstances.

8. The Belgian representative wondered whether the joint draft resolution before the Committee would really improve the situation of people of Indian origin living in South Africa. As the Australian representative had pointed out (10th meeting), United Nations interference in delicate matters disturbing the lives of people often resulted in exacerbating passions and causing a stiffening of national pride. He was certain that if the United Nations had not intervened in the internal problems of South Africa, the situation of people of Indian origin might have been substantially improved through direct negotiations. The effect of United Nations intervention had merely been to suspend those negotiations and it was doubtful whether the proposed good offices commission could settle the question within a year. It was to be feared that the United Nations might fail a fifth time. Its prestige would not be enhanced by the adoption of resolutions which could not be put into effect or which remained unimplemented.

9. The Belgian delegation would abstain from voting on the draft resolution as a whole because the previous question of competence had not been settled and because

the draft resolution would not help to achieve the ends in view. It would vote against paragraph 4 because, regardless of the criticism which might be made of the Group Areas Act, the paragraph represented a flagrant intervention in the operation of the legislative machinery of a State. It would also vote against paragraph 5, which it considered unnecessary inasmuch as the General Assembly was free to determine its agenda at its next session.

10. Mr. ELIASHIV (Israel) recalled that at its sixth session, the Assembly had adopted by 44 votes to none, with 14 abstentions, resolution 511 (VI) interpreting the belief of the majority of its members that the treatment of people of Indian origin in the Union of South Africa was contrary to the fundamental principles of the Charter, that it therefore directly concerned the United Nations and that, in considering it, the United Nations was in no way interfering in the internal affairs of a Member State. The matter of competence had thus been settled and there was no point in reopening discussion on that question.

11. The Israel delegation was especially interested in the problem. The people of that country had suffered too keenly from racial discrimination not to be moved by its effects whenever it was practised. Moreover, Israel wanted the problem to be resolved fairly because its Government enjoyed friendly relations with the Union of South Africa.

12. After a brief review of the background of the problem, Mr. Eliashiv recalled that at the sixth session, his delegation had proposed² that, were the members of the proposed commission not to be appointed, the Secretary-General should assist the Governments concerned and, after consultation with them, appoint an individual, if he felt it appropriate, to render additional assistance in order to facilitate the conduct of the negotiations. That proposal was adopted and its provisions appeared in resolution 511 (VI). In a letter to the Secretary-General on 23 September 1952 (A/2218, annex 1), the Government of India had pointed out that the Secretary-General would facilitate a settlement by appointing a prominent individual. It was therefore clear that, as recently as that date, the importance of the proposal had not diminished in the view of the parties concerned. In his report (A/2218), the Secretary-General gave an account of the many efforts he had made to discharge his responsibility in the matter. The Israel delegation wished to express him its gratitude, but did not believe that all the possibilities provided under paragraph 3 of resolution 511 (V) had been exhausted. It was not too late to appoint an individual of high standing to undertake the task outlined in the resolution. That method was preferable to the establishment of a good offices commission in which there might be divergencies of opinion and which would be less flexible than a single individual invested with the necessary powers. The best course seemed to be to make a new effort to implement the provisions of paragraph 3 of resolution 511 (VI).

13. The Committee's primary concern should be to bring the parties into direct negotiation so that they might find a ground for understanding rather than express feelings and convictions. If some of the provi-

² *Ibid.*, Sixth Session, Ad Hoc Political Committee, 31st meeting (A/AC.53/L.21).

sions in the draft resolution were so worded that one of the parties might find it difficult to alter its position, it would be wise to make certain drafting amendments, by deleting certain words, or, if necessary, a whole paragraph, if by so doing a resumption of negotiations would be facilitated. Of course, such action, as the Mexican representative had stated (9th meeting), presumed that South Africa was ready to accept a draft resolution so modified. The main objective was to secure the assurance of the parties that they would resume direct negotiations. No individual, no good offices commission or any other body could reach a settlement if the parties refused to engage in direct negotiations. The assistance of such an individual or of such bodies could facilitate but could not substitute for negotiations.

14. Mr. Eliashiv concluded by expressing the hope that the Union of South Africa would bear in mind that the peoples of the world and Member States were becoming more and more aroused by evidence of discrimination, and that it would bow to the wish of the great majority of Member States. If the Committee's discussions resulted in a resumption of direct negotiations, great progress would have been made towards the peaceful coexistence of peoples of different races and origins. The Israel delegation would vote for the joint draft resolution in the hope that it would achieve that objective.

15. Mr. RIBAS (Cuba) was somewhat disturbed that the United Nations' efforts to facilitate negotiations between the Governments concerned had been fruitless. At its last session, the General Assembly had asked the Secretary-General to lend his assistance to the Governments in question in order to facilitate the conduct of negotiations. As the Union of South Africa, however, refused to recognize the Assembly's competence in the matter, it was contesting the Secretary-General's authority to tender his good offices. The problem was a cause for anxiety to the Cuban delegation because, if it remained unsettled, it might be harmful to friendly relations among States.

16. It was by virtue of an amendment proposed by the Cuban delegation (A/AC.38/L.36) that the General Assembly had stated in resolutions 395 (V) and 511 (VI) that a policy of racial segregation was necessarily based on doctrines of racial discrimination. The Cuban Constitution declared all discrimination illegal and condemned it as an affront to the dignity of the human person. His delegation would always join in combating discrimination; it was contrary to the Universal Declaration of Human Rights, to the Charter, under which all Member States had undertaken to promote respect for human rights, and to Christian civilization. The Cuban delegation felt great esteem and sincere friendship for the people and the Government of the Union of South Africa, but it could not accept the South African view that any United Nations action on the question would constitute intervention in the domestic affairs of that country. The problem under discussion was a matter of concern to the entire international community, and all States should co-operate in finding a solution to it.

17. The Cuban delegation accordingly supported the joint draft resolution which, being based on the principles of the Charter and showing a desire for conciliation, constituted an appropriate formula to put an end

to a regrettable situation; his delegation would support any steps designed to attain that admirable end.

18. Lord LLEWELLIN (United Kingdom) was happy to note that the problem, which was a matter deeply concerning several Member States, was being considered in so calm and reasonable an atmosphere. The United Kingdom was anxious lest, by examining delicate questions referring to the domestic policy of any State, the Committee should run the risk of causing friction instead of greater friendship between nations, which it must be the object of the General Assembly to promote.

19. He had no intention of going into the complaint before the Committee. The United Kingdom delegation, as it had stated at previous sessions, thought that the legal situation was far from clear. At first sight, it would appear that the problem lay entirely within the domestic jurisdiction of the Union of South Africa, and parts of the resolutions previously adopted by the General Assembly undoubtedly constituted attempts at intervention in matters within the domestic jurisdiction of that country. As had been pointed out, however, certain agreements had been concluded between the Government of the Union of South Africa and the Government of India. The exact status of those instruments had not been determined and it was uncertain whether they did or did not take the matter out of the sphere of domestic jurisdiction into one where it was proper for the United Nations to act.

20. The third paragraph of the preamble and paragraph 4 of the operative part of the joint draft resolution were open to serious objection since by their very words they constituted intervention in the domestic affairs of the Union of South Africa. Furthermore, they went beyond the limits of the problem of Indians in South Africa. The United Kingdom delegation would vote against those parts of the draft resolution.

21. The fact that the General Assembly had debated the question in the past did not and could not render it competent to discuss it now, nor could it constitute a bar to impartial examination of the legal situation. As the legal situation had not been clarified, the United Kingdom delegation would abstain on the draft resolution as a whole. That did not mean that his delegation considered it impossible to make any progress towards settling the question. It still hoped that the three Governments concerned would feel able to resume negotiations on a mutually agreed basis and would reach a satisfactory settlement of the problem.

22. Mr. Chieh LIU (China) did not wish to go into the details of the case as it would appear that everything relevant had already been said on the subject. Nor did he wish to consider the question of competence, as the General Assembly had already on several occasions expressed its concern over the matter.

23. China had already explained its position on the question of racial equality. It felt that the United Nations should promote and encourage respect for human rights and fundamental freedoms for all, without distinction of race, sex, language or religion. But discriminatory practices were deeply rooted in certain countries and their elimination would call for both time and patience. The question now before the Committee had for some years been a source of tension between

several Member States. The United Nations should therefore continue its efforts to settle the problem. The best means of doing so would be to encourage direct negotiation between the parties to the dispute.

24. The Chinese delegation noted with satisfaction that, according to the Secretary-General's report, the South African Government, while insisting that the matter was essentially within the domestic jurisdiction of the Union of South Africa, had reaffirmed its willingness to participate in a round-table conference.

25. From the documentation available, the Chinese delegation had received the impression that it was not the South African Government alone that had declined to break the dead-lock in negotiations. That was why it was in favour of the proposal for the establishment of a good offices commission with a view to arranging and assisting in negotiations between the parties concerned in order that a satisfactory solution of the question might be achieved, and it hoped that that commission might in the near future bring about resumption of negotiations between the parties.

26. The Chinese delegation thought that in any case paragraph 4 of the operative part of the joint draft resolution was likely to hamper the work of the commission. It would therefore abstain from voting on that paragraph.

27. Mr. KUCHKAROV (Union of Soviet Socialist Republics) said that the USSR's position on the question was well known. It was dictated by one of the fundamental principles of USSR policy: equality of political, economic and cultural rights for all without distinction of race.

28. The question of competence had been raised again by the South African delegation at the meeting on 3 November (8th meeting). He pointed out that the General Assembly was resuming consideration of a question on which it had adopted no less than four resolutions. From the very fact that it had decided under resolution 511 (VI) to include the item in the agenda of its seventh session, it had announced its competence to consider the question; by including the item in the agenda of six sessions it had shown that it considered the question a matter of international concern. Several Committee members had expressed the opinion that the question of the treatment of people of Indian origin in the Union of South Africa was an international dispute and therefore came within the scope of Chapter VI of the Charter. At the General Assembly's first session, Mr. Vyshinsky, the USSR representative, had stated that the question of the treatment of people of Indian origin in the Union of South Africa could not be considered as being exclusively within the domestic jurisdiction of the Union of South Africa as it involved violation of bilateral agreements concluded in 1927 and 1932 between the Governments of India and the Union of South Africa, therefore indisputably making the matter one of international concern.

29. It had been pointed out on several occasions that the South African Government, by its attitude and its policy, was violating Article 1, paragraph 3, of the Charter. But the South African Government was disregarding not only the provisions of that paragraph but also those of paragraph 2 of the same Article. The South African representative had not troubled to deny

that his country was practising racial discrimination in flagrant violation of that very paragraph 2. The text of certain provisions of the Group Areas Act, particularly paragraph 2 (1) and paragraph 4 (2), which the USSR representative read, were proof of that fact. It was obvious that the Group Areas Act was contrary to the fundamental provisions of the United Nations Charter. The General Assembly could not continue to ignore the fact that the Union of South Africa was paying no regard to the resolutions of the Assembly and that its policy was contrary to the purposes and principles of the Charter. It was the Assembly's duty to condemn that policy.

30. Certain delegations, however, had adopted an attitude incompatible with the principles of the Charter in connexion both with the problem and with the joint draft resolution. For obvious reasons, they had not dared openly to approve South Africa's policy of discrimination, but they had implicitly supported it by opposing certain provisions of the joint draft resolution in order to weaken the text. Those delegations represented just those Powers which administered Non-Self-Governing Territories and were reluctant to abandon colonial conceptions.

31. The USSR delegation was anxious for a peaceful settlement of the question of the treatment of people of Indian origin in the Union of South Africa, but it wished to see a settlement which would not be contrary to the purposes and principles of the United Nations and the provisions of the Charter. It supported the joint draft resolution in its present form, on the understanding that the good offices commission, the establishment of which was provided for by the resolution, would be set up in agreement with the Governments concerned.

32. Mr. SIRI (El Salvador) affirmed his country's unshakeable devotion to the purposes and principles of the Charter and the Universal Declaration of Human Rights. El Salvador condemned all acts of racial discrimination and any legislation which prescribed discriminatory measures with regard to certain sections of the population of any country. His Government's position on the subject was prompted by its faith in the principle of respect for fundamental freedoms for all, without distinction of race, sex, language or religion, because those freedoms were the only foundations of peace and justice. The thirty articles of the chapter devoted to human rights and freedoms in the Constitution of El Salvador were based on that principle.

33. The delegation of El Salvador, like the majority of other delegations, regretted that the efforts made hitherto to induce India, Pakistan and the Union of South Africa to resume their negotiations with a view to settling the dispute between them had had no result, and that one of the parties to the dispute had not found it possible to comply with the General Assembly resolutions on the question.

34. The delegation of El Salvador did not intend, at the present stage of the debate, to consider the question of the General Assembly's competence, because it had already stated its views at previous sessions. It thought that it was not only the right but the duty of the Assembly to promote respect for human rights and

³ *Ibid.*, Second part of the first session, Plenary Meetings, 52nd meeting.

to make recommendations to that effect whenever a Member State disregarded its duties and caused an international dispute. El Salvador had always zealously defended the principle of non-intervention in matters within the domestic jurisdiction of States, but Mr. Siri would not hesitate to state that in taking up the question of the treatment of the people of Indian origin in the Union of South Africa and making recommendations on the subject, the General Assembly was merely acting in the spirit of the Charter and promoting respect for human rights, which should have priority over the rights of States.

35. As regards the joint draft resolution before the Committee, the representative of El Salvador said that his delegation would have preferred a more flexible formula. It was, furthermore, of the opinion that very grave harm was being done by the fruitless prolongation of a dispute which caused deep pain and was a matter of serious concern to the civilized world. El Salvador took pride in cultivating the best possible relations with the Union of South Africa, whose effective and courageous action had contributed so much to the defence of the free peoples during the recent world war. The world had need of the Union of South Africa to ensure the triumph of democratic ideals. If South Africa was prepared to express its willingness to resume direct negotiations with the Governments of India and Pakistan with a view to achieving a solution to the question in conformity with the purposes and principles of the Charter and the Universal Declaration of Human Rights, or if the parties concerned would agree to lay the dispute before the International Court of Justice and accept the Court's jurisdiction, the delegation of El Salvador would not vote for the joint draft resolution. If, as unfortunately appeared probable, nothing of the sort were achieved by the debate in progress, his delegation would vote for the joint draft resolution for reasons of principle, but would do so with regret.

36. Mr. ABAL (Argentina) regretted that the hopes of the General Assembly, when it had adopted resolution 511 (VI), had been deceived. The commission of three which was to have assisted the parties in their negotiations had not been set up. The Argentine delegation had no wish to discuss the motives which had led to the attitude adopted by the Governments concerned and had been the cause of that failure. The feelings of those Governments were doubtless worthy of respect, but the difficulty of finding a solution to the problem lay precisely in their different conceptions of the competence of the United Nations. That was why the recommendations of the General Assembly had so far been without effect and all efforts made to find a formula acceptable to both parties had met with defeat.

37. The Assembly was in the same position as at previous sessions. The Committee now had before it a proposal for the establishment of a good offices commission which would be responsible for arranging and assisting negotiations between the Governments concerned. That proposal, in so far as it concerned the establishment of such a commission, was acceptable to the Argentine delegation, which was prepared to support any suggestion calculated to achieve settlement of the question. But if the new resolution was not to become a dead letter, the Union of South Africa would have to agree to its provisions and show itself prepared

to comply with them. The new draft resolution should not therefore contain any provisions likely to be unacceptable to the Union of South Africa. That was not the case with the third paragraph of the preamble and paragraph 4 of the operative part, which dealt with matters within South Africa's domestic jurisdiction.

38. A definite step towards the solution of the problem would be made were the Committee to submit to the General Assembly a draft resolution harmonizing the views of both parties. The creation of a good offices commission would seem the best way of attaining that end. The Argentine delegation would vote for the creation of such a commission, though it did not regard it as the only possible measure. It felt, however, that the desired agreement should be concluded directly between the two parties concerned and, if that proved to be impossible, that the procedure to be followed should be acceptable to both parties. The joint draft resolution should be amended with such considerations in mind.

39. In connexion with the question of competence, the Argentine delegation continued to maintain the principle of non-intervention in the domestic affairs of States.

40. As to the substance of the question, his country supported the principle of equality of all peoples within a country. There was no racial discrimination in Argentina and any discrimination based on race or birth was forbidden under Article 28 of the Argentine Constitution.

41. Mr. Abal said that his delegation would vote for paragraph 1 of the operative part of the joint draft resolution and against the third paragraph of the preamble and paragraph 4 of the operative part, since they concerned questions which were within the domestic jurisdiction of States.

42. Mr. LANNUNG (Denmark) said that his delegation had always taken the keenest interest in the question under discussion and, together with many other delegations, was most anxious that the parties should open negotiations with a view to finding a way out of the present dead-lock.

43. The main purpose of the joint draft resolution was to set up a good offices commission to arrange for and assist in negotiations between the parties in order that a satisfactory solution of the problem might be reached. Although whole-heartedly supporting the joint draft resolution, the Danish delegation still had certain reservations in regard to some of its provisions.

44. Paragraph 4 of the operative part called upon the Government of the Union of South Africa to suspend the implementation or enforcement of the provisions of the Group Areas Act, pending the conclusion of negotiations. The Danish delegation feared that the inclusion of paragraph 4 might have the opposite effect of what the resolution hoped to obtain, which was the immediate resumption of negotiations. Furthermore, that paragraph should be unnecessary as it might be assumed that the good offices commission would take up that aspect of the problem at once. The sponsors of the joint draft resolution should therefore consider the possibility of deleting paragraph 4; should that paragraph be retained his delegation would be forced to ask for a separate vote on it in order to express its reservations.

45. The sponsors of the draft resolution might also consider the possibility of deleting paragraph 5 of the operative part and the third paragraph of the preamble, the inclusion of neither of which appeared necessary or expedient. In order to avoid any misunderstanding or misinterpretation of his remarks, Mr. Lannung emphasized that his delegation was making those suggestions for the practical reasons mentioned only and that his remarks should not be interpreted as meaning that it approved in any way the legislative measures in question.

46. With those reservations, the Danish delegation would support the joint draft resolution. It would, however, have liked the Union of South Africa to state whether it could agree, at least in principle, to the immediate creation of a good offices commission. He shared the view expressed by other representatives, and in particular by the representative of Mexico (9th meeting), that in the case under consideration means could be found for an acceptable formula to be worked out.

47. Mr. RODRIGUEZ FABREGAT (Uruguay) thought that the question of the treatment of persons of Indian origin in the Union of South Africa, which was again on the General Assembly's agenda, was one of the most complex, as could be seen by the arguments which had been advanced in the course of the debate.

48. On the one hand, an Indian community had been established in the Union of South Africa as a result of a bilateral agreement; the rights of that community, however, were not understood in the same way by the parties concerned. On the other hand, there were some who held that the matter was solely within the domestic jurisdiction of the Union of South Africa.

49. In view of the facts adduced, his delegation could not subscribe to the view that the United Nations was not competent to deal with the matter. The problem should be considered in the light of those facts and the principles of the Charter. There had been an agreement between the Union of South Africa and India. One of the parties to the dispute claimed that some of the essential points in the agreement had been disregarded. Those points, however, were covered by the provisions of the United Nations Charter which both parties had undertaken to respect.

50. There could be no question of invoking national jurisdiction in a case involving a bilateral agreement and the basic principles of human rights. As far back as 1946, and ever since then, the General Assembly had considered and had taken a stand on those two aspects of the problem. There was no question of the competence of the General Assembly, which was in no way interfering in the domestic affairs of a State. The Uruguayan delegation had supported every resolution affirming that principle and would continue to do so.

51. The only question before the General Assembly therefore was that of the treatment of persons of Indian origin under the Group Areas Act, which had to be resolved to everybody's satisfaction. No one was trying to deepen the differences. His delegation had always maintained the most friendly relations with the South African delegation and was anxious to contribute to the peaceful solution of the problem, which by its very nature did violence to the noblest human sentiments, the

very sentiments which had been written into the Charter as one of its principles.

52. In the course of history, innumerable instruments had been signed by high-ranking persons on behalf of the great Powers, but the United Nations Charter was the only one of its kind which, as stated in its Preamble, had been drafted in the name of the peoples of the United Nations. The Charter had been conceived at the end of a world war which had been fought against nazism and racial and religious persecution. The purposes and principles of the United Nations were set forth in the name of the peoples of the United Nations, in particular Article 1, paragraph 3, which provided for the encouragement of respect for human rights and for the fundamental freedoms for all, without distinction.

53. The Charter was not the only legal instrument which proclaimed respect for human rights and fundamental freedoms for all. To prove his point, the Uruguayan representative quoted passages from his country's Constitution which proclaimed, in particular, the equality of all before the law and everybody's right to protection against any threat to existence, honour, freedom, security, work and property. He said that he would not read the Group Areas Act, but a comparison between the provisions of that Act and those he had just quoted would fully justify the position taken by his delegation in the current discussion.

54. Whatever the past history of the case, the Uruguayan delegation was prepared to support any measure likely to lead to direct negotiations between the parties concerned. Were the South African delegation to put forward an idea or a principle or express a desire likely to lead to a solution, his delegation would consider it with the utmost care and would bear it in mind in any subsequent consideration of the matter.

55. Racial problems were sometimes indissolubly bound up with the historical evolution of a nationality, and were sometimes a legacy from the past. The United States representative had expressed himself on that subject (10th meeting) in clear and generous terms. That was one of the reasons why his delegation was inclined to vote for the joint draft resolution.

56. The Secretary-General had, in conformity with resolution 511 (VI), attempted to help the parties concerned to open negotiations; as he had explained in his report, he had failed. As could be seen from annex 1 of the report it was the view of the Government of India that the appointment by the Secretary-General of a person of proper standing would help in promoting a settlement. The Uruguayan representative was not sure whether that would be the best course to follow. In the light of the principles he had just recalled, and in view of previous General Assembly resolutions, he would vote for the joint draft resolution. He would do so in the hope that the efforts of the good offices commission would meet with success and the parties concerned would open negotiations with a view to settling their differences. It was to be hoped that the good offices commission would attach more importance to the facts than to the principles, which would only further complicate matters.

57. The United Nations Charter had opened a new era. Where the treatment of groups of human beings

was concerned it was not enough merely to invoke abstract principles and generalities; the situation should be faced in a realistic spirit. It was in that spirit that the Uruguayan delegation was trying to co-operate with the delegations of India and South Africa in finding a solution which the world could hail as one which upheld the principles on which the United Nations was built.

58. The CHAIRMAN complimented the representatives who had taken part in the general debate on their spirit of moderation and conciliation. It was to be hoped that the Committee would maintain that high level in considering the other items on its agenda. He was convinced that the attitude adopted by the delegations was the most likely to lead to an objective and fruitful study of problems and hence to a constructive and peaceful solution of all differences.

59. Before declaring the general debate closed, the Chairman gave the floor to the representative of the Union of South Africa, under rule 114 of the rules of procedure, who wished to make some comments.

60. Mr. JOOSTE (Union of South Africa) said that it was not his intention to reply to the debate as such, as his delegation's position had been clearly and fully stated, but that he wished merely to express his delegation's appreciation of the friendly sentiments which had been expressed towards the Union of South Africa by a number of delegations.

61. His Government again urged that the provisions of Article 2, paragraph 7, of the Charter should be respected. Its attitude was based on that fundamental principle which governed relations between the Organization and its Members. His delegation would therefore have to vote against the joint draft resolution.

62. A number of speakers had approached the problem realistically and had stressed the desirability of direct negotiations, outside the United Nations, between the parties concerned. Mr. Jooste reiterated his Government's willingness to discuss with the Governments of India and Pakistan possible ways and means of settling the matter in question. The South African Government was prepared to reopen direct negotiations on the understanding that such negotiations would not involve any departure from or prejudice to the standpoint of the respective Governments in regard to the question of domestic jurisdiction. Such talks, while not related to any General Assembly resolutions, would permit the parties concerned to hold a full, free and unfettered discussion of all the aspects of the problem.

63. The CHAIRMAN said that as the Indian delegation wished to request fresh instructions from its Government, in view of the statements made during the meeting, he would not put the joint draft resolution to the vote at once, as its sponsors might wish to modify it.

The meeting rose at 12.20 p.m.