

United Nations
**GENERAL
ASSEMBLY**

EIGHTH SESSION
Official Records



AD HOC POLITICAL COMMITTEE, 33rd

MEETING

Tuesday, 24 November 1953
at 10.30 a.m.

New York

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Chairman: Mr. Miguel Rafael URQUIA (El Salvador).

The question of race conflict in South Africa resulting from the policies of *apartheid* of the Government of the Union of South Africa: report of the Commission appointed to study the racial situation in the Union of South Africa (A/2505, A/2505/Add.1, A/2505/Add.1/Corr.1, A/2505/Add.1/Corr.2, A/AC.72/L.13, A/AC.72/L.14) (*continued*)

[Item 21]*

1. Mr. SANTA CRUZ (Chairman and Rapporteur of the Commission appointed to study the racial situation in the Union of South Africa) thanked the Committee for allowing him to comment on some of the remarks made at the 52nd meeting by the South African representative. He assured the latter that he was perfectly well aware of the difference between the position of a representative of a Member State and that of the representative of a body invited to take part in the discussion of a question. He did not, therefore, intend to intervene in the debate to support or oppose any particular line of thought, but solely because he had been asked to speak again by a number of delegations, because he represented a body which the General Assembly had set up to assist it in an extremely important task and because it was his duty to defend the dignity of that body, in particular the dignity of its two other members, who were prominent men well-known for their devotion to the cause of the United Nations.

2. The South African representative had brought serious charges against the Commission. He had accused it of partiality, lack of objectivity, slander and deliberate insults to the people of South Africa. The prestige of the United Nations, the dignity of the body set up by the General Assembly and the dignity attaching to any international public office demanded that those charges be refuted.

3. In order to show that the Commission had started out with a preconceived idea and had therefore lacked objectivity, the South African representative had quoted a passage from paragraph 905 of the report (A/2505) out of context. He (Mr. Santa Cruz) quoted the complete sentence, which showed that the conviction ac-

quired by the members of the Commission had impressed itself on their minds in the course of their protracted labours; no principle of objectivity required that a conviction should appear only at the precise moment when the work was concluded. The report had been drawn up like any similar document, that was to say, when the Commission had formed an opinion on the question as a whole and knew what findings it was going to publish. The fact that the nature of those conclusions was evident in the earlier chapters of the report did not mean that the Commission had failed to take all the factors into account or to describe them all faithfully.

4. In support of his serious charge of partiality, the South African representative had pointed out that the Commission, in reviewing the manner in which it had been set up, had placed special emphasis on the statement of the Indian delegation, the principal accuser of the Union, but had not mentioned the position of those delegations which, together with the South African delegation, had urged that the General Assembly was not competent to deal with the item. It was clear that, in a report to the General Assembly, there was no need for the Commission to present a full analysis of discussions which were a matter of general knowledge. It had mentioned the Indian delegation's statement because it had been the most complete and detailed presentation of the view upheld by the thirteen Member States which had requested inclusion of the item in the agenda. It had also recalled the opposing view—that upheld mainly by South Africa—and the results of the roll-call votes in the *Ad Hoc* Political Committee and in the General Assembly. Moreover, chapter II of the report set forth in great detail the different opinions expressed about the competence of the United Nations. Contrary to what the South African representative had asserted, the Commission had quoted, on that point, all the authors of world-wide reputation who had studied the question closely. There was not a single author cited by the Union of South Africa in the course of the earlier debates who had not been quoted by the Commission in its report. It was not the Commission's fault if the arguments of those authorities helped to destroy the contention that Article 2, paragraph 7, of the Charter prohibited the United Nations from considering a specific case of violation of human rights and from making recommendations on the subject. The fact that the Commission had based itself on the opinions of eminent jurists who supported the thesis which, after a thorough study of the letter of the Charter and of United Nations jurisprudence, it had decided to uphold, did not indicate a lack of objectivity or impartiality.

5. The South African representative had criticized the way in which the Commission had obtained its data; he had said that the report, in particular chapter VII, contained many errors. In that connexion, the point should be stressed that the Commission had always

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

realized the imperfections of its report, and especially of the errors it undoubtedly contained. In paragraphs 46 to 49, the Commission had explained its methods of work; it had been compelled to follow them owing to the absence of co-operation on the part of the South African Government. The fact that it had not been allowed inside South Africa was no excuse for the Commission's doing nothing and neglecting the mandate entrusted to it by the General Assembly. It had gone to all lengths to secure the co-operation of the Union Government, as was indicated in paragraphs 38 to 45 of its report. In that connexion, he drew special attention to the telegram sent to the Union Government on behalf of the Commission, and reproduced in paragraph 42. It was only after it had been convinced of the Union Government's negative attitude that the Commission had decided to fall back on written or oral testimony from governments, non-governmental organizations and private individuals. It had taken the same decision as that which the *Ad Hoc* Committee on Forced Labour had been constrained to adopt.

6. The Commission had realized, of course, that information collected in that way might not be objective, and it had therefore scrutinized it very closely and with a critical eye. The depositions that had been challenged had not been taken as the main basis for the Commission's findings and, in order to avoid any misinterpretation, the Commission had been careful not to include in the annexes (A/2505/Add.1 and Corr.1 and 2) to its report the oral or written statements from non-governmental organizations and private individuals. The factual information which the Union representative alleged to be contrary to the truth had been obtained from sources other than the oral depositions, and those sources had in every case been given in the report.

7. To support his accusations of partiality and slander, the South African representative had mentioned passages in that report dealing with the liquor question, relations with the police and the religious origin of racial prejudice. But the Commission had felt that the information in its possession was incomplete and had accordingly been careful to call Chapter VII "Living conditions of non-European groups"; it had, in particular, avoided making that chapter appear complete or final; that fact was brought out in paragraph 669 of the report.

8. He did not propose to analyse in detail the three examples quoted by the South African representative. A dispassionate persual, in their context, of the passages mentioned would yield conclusions absolutely different from those reached by the South African representative. In connexion with the religious origin of the racial problem, the Commission had not said that the Biblical curse on Ham was the cornerstone of Afrikaan philosophy, but rather the contrary, as could be seen from paragraph 276. Moreover, the same question was mentioned in the part of the report dealing with the Great Trek, or Boer migration towards the north in 1836. That reference to Genesis had been intended merely to show the influence of Biblical texts on nationalist teachings and ambitions in the Union of today. The only subjective element in the Commission's account was its admiration for the spirit of independence and adventure of the Boers who had made the Great Trek.

9. With reference to the liquor question, anyone who read not only paragraph 748 quoted by the South African representative, but the whole of the section

entitled "Liquor" (paragraphs 741 to 755) would see for himself that the Commission had not criticized the spirit of the measures referred to. It had not offered any comments but had merely shown, on the basis of a government report issued in 1950, that discriminatory practices in that connexion had been a source of racial tension and resentment among the native population.

10. The South African representative had alleged that it was in its treatment of the question of relations with the police that the Commission had been guilty of the grossest partiality. On that point it was sufficient to refer to the report of the Commission of Enquiry presided over by Mr. de Louw, two passages from which were quoted in paragraph 758 of the report. The Commission had never intended to slander or deliberately insult the South African police any more than the South African people. It had carefully refrained from passing any judgment on the way in which the police performed their duties. In that it differed from Mr. de Louw's Commission of Enquiry, which had criticized the maltreatment of the natives by members of the police force.

11. Finally, the South African representative had criticized two passages in the statement which he (Mr. Santa Cruz) had made when introducing the Commission's report at the 31st meeting of the Committee. It was not for him (Mr. Santa Cruz) himself, but for the *Ad Hoc* Political Committee, to discuss the observations submitted in that connexion by the South African representative. He would merely say that he had done nothing but express the Commission's firm, honest and sincere belief. In stating that the solution of the racial problem depended essentially on economic development, the reform of the economic structure and the raising of the living standard of the non-European population, he had not questioned the economic and financial stability of the Union, nor had he implied that standards of living there were lower than those in other countries or Non-Self-Governing Territories. He had merely pointed out that the economy of the Union of South Africa was amongst those which were regarded as under developed and that the modernization of industry and agriculture was a necessary condition for raising the living standard of the workers, most of whom were non-Europeans. That point of view was set forth in plain words in paragraph 909 of the report. He wished to make it clear that his findings, and those contained in the report, with regard to the economic situation in the Union, were based on official United Nations or South African documents. He could not therefore be taxed with making slanderous or baseless accusations. He had merely referred to conditions existing in that country, which had no call to take offence thereat, since it was in the same position as two-thirds of all other countries in the world. It would be wisest to bow to the facts and to appeal to international co-operation or help in improving the position in the interest of all alike.

12. Mr. DAYAL (India) felt sure that all those who had read the report of the Commission appointed to study the racial situation in the Union of South Africa and had heard the statement of its Chairman had certainly been impressed by the immensity of the task assigned to the Commission and the sincerity and integrity which its members had shown. The inquiry was undoubtedly one of the most significant ever undertaken by the United Nations, since it related to the universal observance, without discrimination of human

rights and the removal of obstacles to the maintenance of friendly relations between States.

13. Despite the total absence of co-operation on the part of the South African Government, the Commission had compiled an impressive report, revealing hitherto little-known aspects of the situation, which must have come as an unpleasant and discouraging surprise to many delegations. The United Nations must spare no effort to put an end to a situation which affected millions of human beings.

14. His delegation had hoped that the South African representative would submit definite observations about the facts of racial discrimination established in the report. Unfortunately, the South African representative had merely contended that the Commission had been biased and that its report contained many errors, without stating what those errors were. The Chairman of the Commission had duly replied, refuting the South African criticisms. Neither the *Ad Hoc* Political Committee nor public opinion in general could be blamed for drawing their own conclusions from South Africa's deliberate refusal to co-operate with a commission duly established by the United Nations.

15. Before reviewing the position in South Africa, he wished to deal briefly with the question of United Nations competence. He reminded the Committee first of all that by 45 votes to 6, with 8 abstentions, the *Ad Hoc* Political Committee had decided that the United Nations was competent (A/2505, paragraph 21). That decision had been confirmed by the General Assembly itself by 43 votes to 6, with 9 abstentions (A/2505, paragraph 22). Moreover, the Commission created by resolution 616 (VII) had exhaustively examined the question of its own competence, as could be seen from its report, in the references, for instance, to the underlying spirit of the Charter (A/2505, paragraph 81) and to Field-Marshal Smuts' statement at San Francisco in connexion with the preamble to the Charter (A/2505, paragraph 85); the report also quoted the opinions of eminent legal authorities whose competence in international law was recognized the world over. In paragraphs 893 and 894 of its report, which he read out, the Commission had given the conclusions it had reached with regard to its terms of reference in the light of the provisions of the Charter and General Assembly resolutions.

16. In the face of such well-considered findings, it was superfluous and irrelevant to repeat the challenge to the General Assembly's competence, as the South African representatives had done. Those who persisted in denying the Assembly's competence would appear to be claiming for the Union the unchallengeable right to disturb the peace of Africa, to impair the development of friendly relations among nations and to violate without compunction the principles of the Charter.

17. The South African representative had again tabled a draft resolution (A/AC.72/L.13) asking the Committee to state that the General Assembly was not competent. India would vote against that draft resolution when put to the vote, and reserved the right to review the matter again at a later stage.

18. Dealing next with the immediate problem before the Committee, he said that the racial conflict in South Africa was not the outcome of a single act or combination of acts, but the consequence of a basic policy which had been systematically and persistently developed. The basis of that policy had been set out clearly in the pamphlet entitled *The National Party's Colour*

Policy, published on 29 March 1948. The authors of that pamphlet had pointed out that there were two schools of thought in South Africa. One advocated the policy of the equality of all races, which would give equal political rights to all civilized and educated persons and would grant the franchise to all non-Europeans as they became qualified to make use of democratic rights. The other advocated the policy of *apartheid*, which, it stated, was based on the Christian principles of justice and reason. That policy aimed at preserving the purity of the white race in the country. The authors of the pamphlet had concluded that the policy of equality would eventually mean suicide for the white race, while the policy of *apartheid* would permit a satisfactory future for all the races in the country. On 5 March 1953, Mr. Malan, Prime Minister of the Union, had made a speech based on those very principles.

19. Two arguments could be observed in the passages he had quoted. The first was that multiracial communities should be governed either on the basis of complete equality or on that of total segregation. That statement of alternatives could be accepted as valid, although the choice made by the South African Government between the two was, in his opinion, wrong. The second contention was that the policy of segregation was based on the Christian principles of justice and reason. He was sure that no member of the Committee could possibly accept that contention. Racial discrimination and segregation were incompatible with civilized practice and with the precepts of all religions. Enlightened opinion everywhere had unreservedly accepted the view that the problems of multiracial communities could only be solved by the full equality and co-operative development of all the elements of such communities. Member States had themselves accepted those principles in the act of signing the United Nations Charter. Thus, it could not be asserted that the South African Government's doctrine was in conformity with western civilization. As for the argument that it was in accordance with the precepts of the Christian religion, many priests and churchmen belonging to the most diverse denominations, including religious leaders in South Africa, had condemned racial discrimination.

20. In his statement at the 32nd meeting, the South African representative had imputed to the Indian delegation some sort of ideological and political interest in bringing the question of race conflict in South Africa to the attention of the United Nations. He (Mr. Dayal) stressed that in joining the twelve delegations which had asked for that item to be placed on the Assembly's agenda, India had had no consideration in mind but respect for the Charter and for the principles for which the United Nations stood. As for the question of ideology, the only matter relevant to the discussion was the ideology behind the policy of *apartheid*. In that connexion, he quoted a statement by the Rev. J. W. Vorster, who in a speech delivered in September 1940, had praised Hitler, invited the Afrikaners to destroy capitalism and tried to turn them against the English and the Jews.

21. Thus, the South African Government's racial policy was not based upon the principles of western civilization or on the precepts of the Christian religion, but solely on fear. The South African authorities thought that the interests of the various races were incompatible, and feared that one day the majority would become dominant and the white minority would be endangered. In support of that view, he quoted several statements by Mr. Malan, Prime Minister of

South Africa, Mr. Strydom, Minister of Agriculture, and Mr. H. F. Verwoerd, Minister for Native Affairs.

22. So great was the Union Government's fear that it was not prepared to see human rights enjoyed by the native populations even of territories other than its own. In that connexion, he quoted a statement of Mr. Malan that the Union of South Africa could not tolerate the creation of free and independent native States on its borders. Mr. Malan had gone so far as to demand the incorporation of the Protectorates of Bechuanaland, Swaziland and Basutoland into the Union within five years.

23. Thus it was clear that the policy of *apartheid* was based on the idea that the interests of the white minority in South Africa could only be protected by a policy of racial domination. It was unnecessary to point out that such a solution was contrary to the Charter and was not supported by the experience of history or by the practice of the United Nations. It was true that racial differences existed, but it was perfectly possible to overcome them by recognizing the rights of each of the races concerned. A solution based on force and domination was no solution at all. It could only generate hatred and eventually make change by violence inevitable.

24. Dealing next with the economic consequences of the policy of racial discrimination, he pointed out that the effect of segregation was not, as had been alleged, to ensure the equal, though separate, economic development of all races and to meet the specific needs of each of the races concerned. In that connexion, he quoted figures and statistics showing the advantages enjoyed by the whites in such matters as salaries, health, education, opportunities for employment, distribution of land, housing, etc. All those figures indicated that the economic policy of South Africa was directed primarily towards maintaining non-Europeans in a position of permanent inferiority, denying them access to the professions and skilled occupations, restricting their freedom of movement through a whole series of special laws, reducing them to economic serfdom and creating, in that way, a cheap labour pool which would guarantee the prosperity of the white population.

25. But social discrimination was the most humiliating type of discrimination. *Apartheid* did not manifest itself simply in the Group Areas Act or in measures designed to confine the native Bantu populations to reservations. It was practised in shops, hospitals, post offices, theatres, public parks and gardens, libraries, etc. It even existed in telephone booths and elevators. He quoted a series of examples, some of which had been given in the Commission's report.

26. The South African Government was not, of course, the only one to apply measures of racial and social discrimination. Such measures existed in other countries which had signed the United Nations Charter. But there was a vital difference between those countries, which had undertaken to implement the provisions of the Charter without discrimination, and South Africa, which proclaimed that those measures were the only way to preserve white civilization. In all the other countries, discrimination was a diminishing social practice which enlightened opinion everywhere condemned. In South Africa, it was a norm of social behaviour, sanctified by the ideology of the State and enjoying the Government's full support. In the circumstances,

a white citizen of South Africa who wished conscientiously to observe the provisions of the United Nations Charter would be guilty of a multitude of offences. Thus, the policy of *apartheid* not only contravened the Charter, but made the application of the Charter impossible and illegal in the territory of the Union.

27. The memoranda submitted by the Governments of India and Pakistan, and reproduced in the annexes to the Commission's report, cited no less than twenty discriminatory laws promulgated in the Union after 1945, that was to say, after the signing of the Charter. Chapter VIII of the Commission's report alone cited ten of those laws which, according to the Commission, were not in harmony with the Universal Declaration of Human Rights. The non-European population of South Africa had, on 26 June 1952, embarked on a campaign of passive resistance to that policy of discrimination which was growing stronger. That campaign had been suspended soon after the Christmas holidays of 1952, after 8,065 persons had been sentenced to imprisonment. The Union Government had done its utmost to destroy the morale of the resisters by imposing excessively long prison terms, forced labour and corporal punishment. It had repeatedly utilized the Suppression of Communism Act to deal with resisters and had acquired very broad powers by promulgating the Public Safety Act and the Criminal Law Amendment Act which, according to the *Rand Daily Mail*, had been tantamount to setting up a dictatorship or reverting to barbaric despotism.

28. Although the resistance movement had been suspended, the struggle against discrimination had not ceased. The coloured peoples comprised two-thirds of the world's population. They viewed the struggle of the non-European population of South Africa for its fundamental rights as the symbol of the struggle for human dignity and the implementation of the principles of the Charter throughout the world. They would judge the sincerity of the United Nations on the basis of the results obtained.

29. The conclusions to be drawn from those facts were clear and the United Nations Commission had formulated them in unambiguous terms. It had stated that the doctrine of racial differentiation and superiority was scientifically false, extremely dangerous to internal peace and international relations, and contrary to the dignity and worth of the human person. The policy arising from it was contrary to the solemn declaration in the Preamble to the Charter, to Articles 55 and 56, to the Universal Declaration of Human Rights, to resolution 377 (V) entitled "Uniting for peace", to resolutions 103 (I) and 616 B (VII) of the General Assembly—in short, to the whole doctrine upheld by the United Nations.

30. The Commission also considered that the masses subjected to discrimination would not willingly accept the policy of *apartheid* and that the non-Europeans would not be convinced that that policy was based on justice and not on pride of race and will to domination. The Commission considered that that policy created a situation from which the only way out might prove, in the very near future, to be through violence, with all its inevitable and incalculable dangers.

31. Recalling the Commission's conclusions with regard to the international repercussions of that policy, he urged that the United Nations should take action in accordance with the Commission's findings. The

Indian delegation did not believe that consideration of racial problems would weaken the effectiveness of the Organization or constituted an unwarranted extension of its powers. It was the duty of the United Nations to dispel the fears of South Africa's political leaders and to convince them that men of all colours and races could live together in peace. If a minority was threatened, it was solely because it tried to safeguard its position by resorting to force and invoking doctrines of domination. The results of such a policy could only be disastrous, because it violated the basic concepts of human dignity. History, experience and reason taught that the problems arising in a multiracial society could only be settled by securing peaceful co-operation among races. Africa was a great continent, and held promise of a magnificent future. It had a tremendous contribution to make to the prosperity and civilization of mankind. All groups in South Africa should work together to fashion that future and the Government of the Union should set the example.

32. Mr. Dayal concluded by submitting the joint draft resolution (A/AC.72/L.14).

33. Mr. TZYRAS (Greece) said that his delegation appreciated the importance of the present discussion, which might have serious results for the structure of the United Nations, involving it in new responsibilities for the future. The Committee's discussions the previous year had brought out the existence of a juridical conflict between the lofty desire to further the respect for human rights set forth in the Charter and the need to safeguard the principle of the national sovereignty of States, that principle which forbade the United Nations to intervene in matters essentially within the domestic jurisdiction of a State.

34. Although the question of the Assembly's competence to consider the problem of the racial conflict in South Africa had supposedly been settled by General Assembly resolution 616 (VII), the juridical aspect of the problem was evidently still causing members of the Committee some concern. That was a significant fact which showed that the Committee ought to ask the delegations to state their attitude on the question of competence before continuing to consider the problem itself, so that each might make its responsibility clear for the future.

35. His delegation did not intend to shirk that duty. It had throughout contested the General Assembly's competence to consider the question, and its attitude on that point had not changed. It held that the matter was essentially within the domestic jurisdiction of South Africa and that consequently the United Nations had no right to intervene in the case. Furthermore, it was convinced that any breach of the rule set forth in Article 2, paragraph 7, of the Charter would undermine the foundations of the Organization and have incalculable consequences.

36. His delegation had nevertheless voted for the inclusion of the item in the agenda of the present session. It had done so in deference to the resolutions previously adopted by the Assembly, but had made it clear that its vote did not in any way prejudice its position on the question of the Assembly's competence. Furthermore, it had hoped that the report of the Commission appointed to study the racial situation in the Union of South Africa set up by the General Assembly at its seventh session would throw new light on the problem.

37. The Greek delegation's position was dictated by its concern to safeguard the principle set forth in the Charter that the United Nations should not intervene in matters essentially within the domestic jurisdiction of Member States. The Greek delegation which had already challenged as unconstitutional the General Assembly's decisions on the question of the treatment of persons of Indian origin in South Africa, could not but take the same attitude on the question of racial conflict in South Africa, since it was convinced that the racial situation in the Union could not be invoked as justifying application of Article 14 of the Charter.

38. The South African Government was in fact being charged, first, with having created, by its policy of *apartheid*, a dangerous situation that constituted a threat to international peace and, second, with having flouted the principle of respect for human rights. The first charge would not stand up to serious analysis and appeared to have been invoked to suit the circumstances. With regard to the second charge, in reply to those who contended that any action on the part of the United Nations might be precluded if the principle of non-intervention was invoked to debar application of the Charter provisions relating to human rights, he would say that it was wrong to suppose that the provisions of Article 2, paragraph 7, were completely irreconcilable with those of the various articles of the Charter relating to human rights. A distinction should be made between the Assembly's power to discuss a matter and to initiate investigations, and its power to make recommendations. The Assembly would not be able to make a recommendation on a matter within the domestic jurisdiction of a State without intervening in its internal affairs, but the discussion and examination of such a question by the Assembly might not constitute interference in the domestic affairs of States, if the Assembly took no further action.

39. In including the question of racial conflict in South Africa in its agenda on two occasions, and by setting up the Commission, the Assembly had reached the extreme limits of its powers. It should avoid creating a dangerous precedent and should be careful not to pass judgment on the racial situation in South Africa. It should not regard itself as authorized to dictate the racial policy which the South African Government should adopt.

40. His delegation agreed that the South African Government's policy of *apartheid* bore on the question of respect for human rights, but the problem involved was a national one. Member States should be guided in their domestic affairs by the objectives proclaimed in the Charter, but they remained the sole judges of the time and methods to be adopted for attaining those objectives. The United Nations could only secure for mankind the full enjoyment of the fundamental rights and freedoms if it respected the principle of the national sovereignty of States.

41. Mr. URIBE CUALLA (Colombia) stated that the question before the Committee was one of the most important on the General Assembly's agenda, for it affected the stability of the Organization as an international body.

42. Before considering the problem, the Assembly must first make certain that it was competent to do so. His delegation did not think that was the case, although a majority had declared in favour of the Assembly's being competent. To recognize the Assembly's competence meant overriding the provisions of Article 2,

paragraph 7, of the Charter. The report of the Commission appointed to study the racial situation in the Union of South Africa dealt with economic and social questions on which the various political parties in the Union held divergent views. The General Assembly could not act as a forum in which national minorities could air their views; that would destroy the harmony and stability of the Organization and lead to disputes between such minorities and the governments of Member States.

43. If the Committee decided, as certain delegations proposed, to extend the Commission's mandate, and if it adopted a recommendation to that effect in spite of the South African Government's opposition, it would be very difficult in future to deny minorities the right to submit their claims to the United Nations. The provisions of Article 2, paragraph 7, were perfectly clear, and the General Assembly had no right to interpret them in a wide sense. Consequently, he agreed with the Greek representative that before discussing the substance of the question, the Committee, and, later, the General Assembly, must once again decide upon the question of competence.

44. It had been stated that human rights were at stake in the racial dispute in South Africa; but those rights had not yet been defined in any instrument, so that intervention by the General Assembly might have regrettable international consequences. In the present circumstances, the question was entirely within the domestic jurisdiction of the South African Government.

45. His country had warmly welcomed the broad principles that had been proclaimed at the end of the Second World War as a basis for peaceful co-operation between nations and for the establishment of a new era of peace and justice, but it did not think that the application of those principles should be allowed to result in a complete upheaval of the system of international law. The strength of the United Nations lay in the fact that it was based on law. If the principles by which international law was gradually being built up were jettisoned, the United Nations would be diverted from its proper field of action, and there would be the danger of arousing antagonism between the various sections of each nation's population.

46. He acknowledged the sincerity of the Commission's efforts but the *Ad Hoc* Committee must recog-

nize that it could not continue to study the question without contravening an essential provision of the Charter. Consequently, his delegation would vote for the South African draft resolution proposing that the Committee should decide that it was not competent to intervene in the question under discussion.

47. The Committee should weigh its responsibilities very carefully before deciding on the question of competence. He would speak on the matter again, if need be, at a later stage.

48. Mr. WAHLUND (Sweden) said that his delegation did not intend to discuss the question of *apartheid* at that stage. It was not indifferent to the question, for it opposed race discrimination in all its forms, but fundamental human rights, respect for which was proclaimed by the Charter, must be considered together with the principle of national independence and sovereignty as set forth in Article 2, paragraph 7. The question was, how far could the United Nations go in encouraging respect for human rights without encroaching on national sovereignty, or in other words, what interpretation must be given to the word "intervene" in Article 2, paragraph 7, of the Charter.

49. It seemed evident to his delegation that discussion of the question did not constitute intervention. The United Nations could not, for example, refrain from concerning itself with respect for human rights; a principle which was embodied in the Charter. His delegation also considered that the Assembly had every right to make general recommendations in the matter. Article 62, paragraph 2, of the Charter gave the Economic and Social Council authority to "make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all". Clearly, the General Assembly must have the same right. However his delegation was not prepared to accept resolutions recommending a Member State to adopt specific measures.

50. The Swedish delegation would vote against the draft resolution submitted by South Africa because it did not interpret the word "intervene" in the same way as that delegation. Furthermore, his delegation considered that the *Ad Hoc* Political Committee could not decide that it had no competence in matters placed on the Assembly's agenda.

The meeting rose at 1.15 p.m.