

negotiation, the situation had, if anything, become more serious. The Government of India alleged that the Union Government had completely ignored the General Assembly resolution, while the South African Government made it clear that they still considered the whole question as essentially one of domestic jurisdiction. The Assembly was thus confronted (as at the last session) with two main issues ; whether the racial policies of the South African Government contravened the provisions of the Charter dealing with fundamental rights and freedoms, and whether there existed between India and South Africa international engagements of a kind to invalidate the plea of the South African Government that the treatment of Indians in South Africa was a matter essentially of domestic jurisdiction.

On the racial discrimination question South Africa denied that their legislation infringed upon fundamental human rights ; it was based not upon racial superiority or inferiority, but on racial distinction. A majority of speakers, however, contended that the Union Government had been guilty of discriminatory legislation, and delegates from the Soviet Union and Yugoslavia compared this discrimination to that which had existed in Nazi Germany. In a speech notable for its moderation (and in this connection it may be mentioned that the whole debate was less emotional in tone than last year's discussions) Sir Zafrullah Khan (Pakistan) stated that the South African representative had confused measures for the protection of minorities with discriminatory measures.

A majority of the Committee were of the opinion that the matter was not one essentially of domestic jurisdiction since the situation had acquired definite international significance. The New Zealand representative said he did not wish to intervene on behalf of either India or South Africa ; he took the view (which was shared by a number of speakers) that the matter to be decided involved complex legal problems which it was the clear duty of the Assembly to refer to the International Court of Justice. For this reason New Zealand opposed adoption of the Indian resolution, which requested the two Governments to discuss the treatment of Indians at a round-table conference without delay, and invited Pakistan to take part in these discussions. This resolution was adopted by the Committee, but in the Assembly it failed to secure the necessary two-thirds majority. An alternative resolution, which New Zealand supported, proposed the submission of the entire question to the International Court of Justice should the two parties fail to reach an agreement through direct negotiations. As this was also rejected the final position was that the Assembly adopted no resolution on the subject.