

virtue of an agreement between the Government of India and the British Government, by which they were not to be subjected to any special laws different from those in force for Europeans.

Some of these workers afterwards emigrated to the Transvaal. After about twenty years discriminatory measures were passed restricting their right to trade and to own property. Mr Gandhi was then in South Africa, and his resistance to these measures ended in the Smuts-Gandhi agreement of 1913, which remedied the Indians' grievances and stopped immigration.

After the first World War anti-Asiatic agitation reappeared with a demand for the segregation of Indians. The Smuts-Gandhi agreement was then abandoned by the Government of South Africa, and an agreement, known as the Capetown Agreement, was concluded in 1927 and renewed in 1932. It has not been abrogated. Nevertheless, agitation continued, and in 1943 the Province of Natal passed the Pegging Act, which, for the first time, imposed statutory prohibitions and restrictions in respect of the right of Asiatics to possess land.

In 1946 the Government of the Union had precipitated events by passing a law (Asiatic Land Tenure and Indian Representation Act) with regard to the landed property of Asiatics and the representation of Indians, the result of which was the complete segregation of Asiatics as regards both trade and residence. It was what had been called the "ghetto" law. The Indian Government had then broken off relations with the Union of South Africa and had recalled its High Commissioner.

The Government of India did not deny that the Indians in question were South African nationals. However, the Indian Government was concerned because it had been responsible for the departure of the first immigrants to South Africa on the understanding that they and their descendants would enjoy the same rights as the other citizens of South Africa. The Act of 1946 extended the legal incapacity of Indians to a new territory, Natal, and restored discrimination against them. The position which had thus arisen was in violation of the Preamble of the Charter which affirmed faith in "human rights," and the matter was fully within the competence of the Assembly.

The representative of South Africa (Field Marshal Smuts) stressed the fact that the exploitation of domestic issues by foreign States as a political weapon would determine, to a large extent, the future issues of peace and war.

Article 2, paragraph 7, of the Charter recognized that, within the domain of its domestic affairs, a State is not subject to control or interference, and its action could not be called into question by another State. There would be an exception to this rule if a treaty obligation were established. But the so-called Capetown Agreement of 1927 between the Government of India and the Government of the Union, and the joint communique issued by those Governments in 1932, were not instruments giving rise to treaty obligations. South Africa had fully accorded to all its citizens human rights and fundamental freedoms,