

such as the right to exist, the right to freedom of conscience, and freedom of speech, and the right of free access to the Courts. Up to the present, however, there did not exist any internationally recognized formulation of such rights, and the Charter itself did not define them.

Without admitting the right of the United Nations to intervene in the matter, he had no objection to the case being freely discussed. In view of the fact that the present case would form a precedent for the future he gave notice of his intention to move that the General Assembly should seek an advisory opinion from the International Court of Justice on the question whether the matters set forth by the Government of India and replied to by the Government of the Union were, under Article 2, paragraph 7, of the Charter, essentially within the domestic jurisdiction of South Africa.

In the debate which followed, and which lasted for several days, very strong support was immediately forthcoming for the Indian case. The representatives of the Slav countries spoke emphatically in its favour. The representatives of China and Iran considered that questions of Asiatic solidarity were involved because discrimination had been exercised against Asiatics. The representatives of Egypt and Ethiopia also supported India, as did the representatives of a number of Latin-American States.

The following were the principal issues raised :—

*The Fact of Discrimination.*—There was no denial of the fact of difference of treatment accorded to the Indian and the white community in South Africa. Apart from the question of land tenure, which was the immediate cause of the appeal, there was the difference of treatment in regard to political rights, such as the franchise, and educational opportunities. Different places were reserved for white and non-white communities in public conveyances. These differences were denounced in the committee as violations of the Charter, which expressly provides for the granting of human rights without difference of race.

The Polish delegate spoke as a representative of a country the population of which had been subject to similar discriminatory treatment under the Hitlerite regime, though he exonerated South Africa from intending excesses such as those practised in Poland.

The South African representative (Mr Heaton Nicholls) admitted difference of treatment, but contended that this had to be understood against the historical and social background of South Africa, with its large majority of primitive peoples, and the necessity of maintaining Western civilization and Western standards of living in the Union. South Africans were proud of the advances which had been made through a policy of slow evolution, and if difference of treatment were to be classified as discrimination, then not only most of the provisions of the Trusteeship Agreements, but essential measures of South African legislation taken in the interests of the non-white population—such as the reservation of land for the Natives—were discriminatory ; but