

without such protection Native land would be bought up by Europeans or Indians. He denied that the Asiatic Land Tenure and Indian Representation Act, which was the occasion of the present complaint, was discriminatory. It did not place any restrictions on Indians which it did not also place on Europeans. The South African representative exhibited maps of Durban to the Committee which showed how large and how widely spread were Indian holdings in Durban. It was in such circumstances nonsense to talk of a "ghetto."

*Human Rights and Fundamental Freedoms.*—Many speakers pointed out that South Africa was committed by the Charter of the United Nations to maintain fundamental human rights and fundamental freedoms. What was now happening was the denial of such rights and freedoms. Discriminatory measures introduced since South Africa signed the Charter were a particularly gross violation of them.

The South African representative replied that the Charter guaranteed only fundamental rights and did not even define these. Political rights were not necessarily fundamental rights. Indeed, it was only by withholding political rights that it was fully possible to guarantee in a country with the special social composition of South Africa full enjoyment of the fundamental rights.

*The Status of International Agreements.*—According to the critics of South Africa the Capetown Agreement of 1927, which had been reaffirmed in 1932, had been plainly violated in its provisions for the "up-lift" of the Indian population. It was in the full sense an international agreement.

The South African representative replied that the Capetown Agreement was not a treaty, but a mere statement of good intentions; moreover, India herself had violated one essential part of that agreement which prescribed measures for the repatriation of Indians from South Africa to India. This provision had been frustrated.

*Domestic Jurisdiction.*—The supporters of India contended that it was impossible for South Africa to shelter behind Article 2, paragraph 7, of the Charter. It was evident that the matter was not one essentially of domestic jurisdiction. The Assembly had full competence to pass judgment on the case, and should do so. The South Africans, while maintaining that the matter was one of essentially domestic jurisdiction, asked not that the Assembly should agree with that proposition, but that the disputed point should be referred to the International Court of Justice for judicial determination.

*Reference to the International Court of Justice.*—The proposal for reference to the International Court of Justice for an advisory opinion on the South African submission that the matter was of domestic jurisdiction thus became the principal practical issue before the Committee. It was argued that such reference was unnecessary because the jurisdiction of the United Nations was evident, that it would cause