

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. It was obvious that minorities must be protected, but discriminatory measures which placed minorities at a disadvantage were contrary to human rights.

Domestic Jurisdiction

A majority in the Committee were of the opinion that the matter was not one essentially of domestic jurisdiction, because, as they pointed out, the situation had acquired definite international significance. Several instances were cited of cases which had, owing to special circumstances, ceased to be a purely domestic question and assumed an international character. The Sudeten German case was given as an example of this.

On the other hand, a number of speakers considered that, since the question involved legal points of the highest importance, the International Court of Justice should be asked to give an opinion on the matter. The *New Zealand* representative (Sir Carl Berendsen) said that he did not wish to deal with the merits of the case and was therefore intervening neither on behalf of India nor South Africa. The point to be decided was the legal question whether the matter was essentially one of domestic jurisdiction, and that should be settled by an authorized judicial organ. Furthermore, India's claim that international agreements were not being carried out was denied by South Africa, on the ground that the declarations in question (those of 1927 and 1932) were not, properly speaking, international agreements. This was another legal question which should be solved judicially before the General Assembly took action. Grave doubt existed as to the legal capacity of the Assembly in this case, and, in the circumstances, substantive decisions should not be made. In view of all these considerations it was, in the opinion of the New Zealand representative, the clear duty of the Committee to recommend that the Assembly refer the legal problems to the International Court of Justice.

In spite of the fact that many speakers agreed with this attitude, the Committee generally were not in favour of referring the problem to the International Court of Justice, even though the Assembly had adopted a resolution recognizing the need for the greater use of the Court.