

jurisdiction of any State. The persons concerned in the Indian complaint were citizens of the Union of South Africa and subject to the jurisdiction of the Parliament and Government of that country. The Union Government therefore objected to having a question essentially within its jurisdiction discussed or decided upon by the General Assembly. Any concession of the right to interfere in domestic affairs could only have dangerous consequences for the small Powers and might ultimately threaten the very existence of the United Nations.

Several delegations advanced arguments in opposition to this thesis. The General Assembly, it was asserted, could interpret its own Charter and on a number of occasions it had chosen to construe for itself the meaning of Article 2, paragraph 7. The very fact that the Assembly had already considered the treatment of Indians in South Africa on two previous occasions and now was doing so for a third time was a clear indication that arguments relating to competence had no reality. The question did not in fact fall within South Africa's domestic jurisdiction for the following reasons: because it concerned human rights and freedoms which the United Nations was bound to uphold; because it was the subject of agreements between the Governments of India and South Africa; because it had given rise to friction between the two countries and the Assembly obviously had competence to recommend measures for the peaceful adjustment of a situation likely to impair friendly relations among nations.

Several delegations, while not willing automatically to endorse the South African contentions, were of the opinion that there was indeed occasion to doubt whether the Assembly was competent to deal with the question. Sir Carl Berendsen (*New Zealand*) said that in view of the considerable uncertainty concerning the actual scope and meaning of Article 2, paragraph 7, it was the duty of the United Nations to resolve that uncertainty and that the only logical way to do so was to refer the matter to the International Court of Justice for an opinion. So long as this doubt persisted the New Zealand delegation would not support any resolution which sought either to condemn or to condone or indeed to pass any judgment upon the substance of the question. Other delegations, including those of *Belgium* and *Canada*, announced that they intended to adopt a similar attitude.

No formal resolution proposing reference to the International Court was, however, submitted to the Committee, which at the conclusion of the general debate had before it four draft resolutions. *South Africa* proposed that the General Assembly decide that the item proposed by India "is essentially within the domestic jurisdiction of the Union of South Africa and . . . does not fall within the competence of the Assembly."