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Chairman: Mr. Miguel Rafael URQUIA (El Salvador).

The question of race conflict in South Africa resulting from the policies of *apartheid* of the Government of the Union of South Africa: report of the Commission appointed to study the racial situation in the Union of South Africa (A/2505, A/2505/Add.1, A/2505/Add.1/Corr.1, A/2505/Add.1/Corr.2, A/AC.72/L.13, A/AC.72/L.14, A/AC.72/L.15) (continued)

[Item 21]*

1. Mr. DAYAL (India) said that the most salient point of the debate had been the complete absence of any attempt to defend the South African Government's racial discrimination policies. Most delegations had expressed their abhorrence of such policies, and even some of those who had taken the view that the Assembly's competence in the matter had not been established had nevertheless stressed their rejection of racial discrimination as being contrary to the Charter and to the Universal Declaration of Human Rights.

2. The debate on competence had followed much the same lines as at previous sessions, with the exception of the new twist given it in the South African draft resolution (A/AC.72/L.13). The South African draft resolution had not indeed introduced any new considerations, its chief purpose being to convince delegations that if the Assembly's competence in the particular case before the Committee were once admitted every aspect of their own governments' domestic policies would be subject to review by the United Nations. In point of fact, most of the matters specified in the draft had, as several speakers had pointed out, been discussed in various contexts in different committees. The legislation of a Member State was relevant in so far as it indicated the existence of discriminatory practices. The question of human rights and non-discrimination had been taken out of the sphere of what was essentially domestic, so that the discussion of a violation of those rights did not represent intervention within the meaning of Article 2, paragraph 7, which had certainly never been intended to deprive the United Nations of the power to demand that the principles of the Charter be respected. In each instance, the extent

of the limitations imposed by that provision should be determined by the whole body of the United Nations and not by the States directly concerned. It was evident that intervention would not be arbitrary so long as a two-thirds majority was required, since that was an assurance that any such action would be based on firm legal grounds. If a decision by a two-thirds majority could be regarded as arbitrary, the action of a single Member in interpreting Article 2, paragraph 7, in a sense contrary to the interpretation accepted by the vast majority was infinitely more so. South Africa appeared to regard Article 2, paragraph 7, as giving the smaller States a power resembling the veto vested in the permanent members of the Security Council; but a veto of that sort would be even more restrictive than the rule of unanimity in the Council, which was intended to prevent the imposition by the Security Council of binding decisions which a permanent member was unwilling to accept, whereas the restrictive interpretation of Article 2, paragraph 7, would debar the Assembly from making a recommendation even though it was not binding or enforceable; it would even preclude the discussion of a problem.

3. In reply to those who had suggested that the International Court of Justice should be asked for an advisory opinion, it might be pointed out that the Court had already given such an opinion¹ in connexion with a question with which South Africa was intimately concerned, that of South West Africa, and that the United Nations had spent several years in trying to give effect to it. Furthermore, since the South African representative had stated that his Government would not consider itself bound by the Court's ruling with regard to the treatment of persons of Indian origin in the Union, it seemed futile to refer the present topic to the Court. In any case the competence of the United Nations was sufficiently well established to make such reference unnecessary. In that connexion, the Philippines representative's statement at the 41st meeting deserved careful attention.

4. Apart from some minor errors of fact, the Commission's report (A/2505, A/2505/Add.1 and Corr.1 and 2) had given rise to little criticism, a fact which indicated that its findings were basically sound. It had not been denied that a policy of legalized racial discrimination was being pursued in South Africa, and that that policy had been intensified after South Africa's acceptance of the obligations contained in the Charter. South Africa had therefore indisputably violated the Charter and the Universal Declaration of Human Rights.

5. The only point in the Commission's findings which had been challenged was the statement that the policy of *apartheid* represented a threat to international peace. The Australian representative in reply to that sug-

* Indicates the item number on the agenda of the General Assembly.

¹ See *International Status of South West Africa, Advisory Opinion: I.C.J. Reports 1950, p. 128.*

gestion had argued (36th meeting) that, if it were true, the matter would have come before the Security Council and not the General Assembly. But Article 11, paragraph 2, empowered the Assembly to discuss questions relating to international peace and security. The same representative's contention that an armed conflict was not imminent and that the South African Government's policies affected only its own nationals could be countered by a reference to the third and fourth paragraphs of the Preamble to the Universal Declaration of Human Rights, which made it clear that friendly international relations depended on the protection of human rights, whereas in South Africa the law not only did not protect them but provided for their systematic violation. The connexion between human rights and international peace was further underlined by the final part of resolution 377 (V), "Uniting for peace".

6. In his statement at the 41st meeting the South African representative had charged the Indian delegation with, among other imaginary sins, that of maintaining a campaign against South Africa because of its racial policies. But actions spoke louder than words. The Indian was not the only delegation that had expressed concern at the racial situation in South Africa; some of those that had done so adhered to the minority view on competence. The South African representative had suggested that a connexion existed between the non-white civil resistance movement and the Indian Government, but it was fantastic to imagine that it was due to any cause except spontaneous resentment against unjust laws.

7. It was deplorable that the South African representative should have attacked the integrity and impartiality of the Commission merely because the facts it had presented were unpalatable.

8. It was difficult to see how the sentiments expressed by Lord Halifax in the moving words quoted by the United Kingdom representative could be given effect if Article 2, paragraph 7, was to be used to disavow the primary responsibilities of the United Nations. Those denying the latter's competence had pointed to the dire consequences of insisting upon it; they should give equally careful consideration to the effects of denying it. Were human rights to be systematically denied without hope of remedy? Were the basic provisions of the Charter to be violated with impunity? Were racial tensions endangering peace to be ignored?

9. A general resolution such as some delegations had suggested affirming the Assembly's belief in the fundamental wisdom and validity of the Provisions on human rights in the Charter would evade the implications of the specific report with which the Committee was concerned, dealing with racial discrimination in a particular country, and would suggest the existence of similar situations elsewhere. The position in South Africa was unique. Discrimination certainly existed in other countries, but the distinctive feature about its application in South Africa was that it was the dominant element in the Government's philosophy and legislation. Since the adoption of the Scandinavian delegations' general resolution, 616 B (VII), the previous year the situation in South Africa had deteriorated further.

10. Other delegations had expressed doubts about the usefulness of continuing the Commission, but the Commission, on its own admission, had not completed its task. It had compiled a large volume of factual information and could now proceed to formulate constructive

suggestions, from which it must be hoped that some progress could ensue despite the South African Government's present attitude. Envisaging the Commission's continuance, the joint draft resolution (A/AC.72/L.14) merely noted, without adopting, some of the Commission's conclusion, and it avoided any condemnation of the South African Government. The French representative thought that condemnation was implicit in the preamble (38th meeting), but that was a result of the facts, not of the language used in the draft. The Norwegian representative had suggested (39th meeting) that the Commission's terms of reference might be broadened to embrace a general study of racial discrimination, but that would overlap with the work of the Commission on Human Rights and more especially of its Sub-Commission on Prevention of Discrimination and Protection of Minorities; it would at the same time mean that the situation of South Africa would not be given the priority demanded by the facts. The Norwegian representative had himself described the situation as explosive. The joint draft resolution seemed therefore to offer the best solution, and it was to be hoped that the majority would support it.

11. In conclusion, he was sure that all Members had been impressed by the intensity of the feelings aroused by the question of racial discrimination. The gravity of the South African situation was intensified by its effect on the vast non-white populations of the world. It was to be hoped that the debate had made the white population of South Africa see the writing on the wall, and that they would not forget that they represented, perhaps, only one-hundredth of the whole population of Africa. The conflict would not be confined to South Africa, but might spread throughout the entire non-white world. The choice rested with the European population of South Africa, and he hoped they would choose wisely and well.

12. Mr. FORSYTH (Australia) said that the USSR representative (41st meeting) had misinterpreted his delegation's statement (36th meeting) as implying that those who suffered from racial discrimination would have to wait indefinitely. The record would show it had dealt only with the question of competence, and not with the substance of the question of racial discrimination. There was no mention in his statement of support for policies of racial discrimination; rather the reverse. His delegation's position was that the Assembly was prevented by Article 2, paragraph 7, from intervening in South Africa's domestic affairs, and that whatever moral force the provisions of the Charter might have in that respect, they conferred no legal right on the Assembly to intervene.

13. In reply to other delegations who had implied inconsistency on the part of those who maintained that Article 2, paragraph 7, was applicable to the case under review whereas they had previously supported action by the Assembly in questions relating to human rights, he might point out that in those other cases the action had been general and involved no reference to any specific State or States, or had been based on specific treaty provisions whereby the question was removed from the sphere of domestic jurisdiction. In the case of the question of forced labour, the resolution (A/AC.3/L.395) had approached the problem in general terms and the proposed decision had been purely procedural, consisting of a reference of the *Ad Hoc* Committee's report to the Economic and Social Council before the Assembly dealt with it in substance.

14. Sir Walter HANKINSON (United Kingdom) fully endorsed the Australian representative's reply to the charge of inconsistency brought against his own and other delegations.

15. Mr. JOOSTE (Union of South Africa) said that the Indian representative had interpreted the position of every delegation represented on the Committee in a manner to suit the Indian position. His remarks on the South African draft resolution could be regarded as only an attempt to confuse the issue. South Africa had placed the issue clearly before the Committee and was only asking for a clear vote on it.

16. The fact that the South African delegation could not discuss the merits of the case had been consistently exploited to its disadvantage, and the Indian view of the alleged situation in South Africa was both misleading and mischievous. Dealing with the charge that India was waging a campaign against South Africa, the Indian representative had said that actions spoke louder than words. It was on actions that South Africa based its charge as to the existence of that campaign. The Indian representative had said that the joint draft resolution avoided condemnation, but he had admitted that the opening paragraphs were condemnatory, and had explained that by saying that they were based on facts, South Africa had indicated that many of those supposed facts were incorrect, and the Commission itself had made the point that its report was incomplete.

17. He asked for a reply to the Australian representative's question as to the costs that would be entailed by the adoption of the joint draft resolution.

18. Mr. CHAI (Secretary of the Committee) stated that the costs of continuing the Commission would be about \$50,000, and added that the question would have to be considered by the Advisory Committee on Administrative and Budgetary Questions and the Fifth Committee.

19. The CHAIRMAN announced that the delegations of Chile and Uruguay wished to introduce a further amendment to the joint draft resolution and requested the Uruguayan representative to make a statement on that amendment.

20. Mr. RODRIGUEZ FABREGAT (Uruguay) explained that if the joint draft resolution were adopted and the Commission was authorized to pursue its study, some of its present members might be unable to continue to serve. Accordingly the Chilean and Uruguayan delegations proposed that a new paragraph be added after paragraph 2 of the operative part, reading:

"3. *Decides* that should any of the members of the Commission be unable to continue their membership, the members or members concerned shall, if the General Assembly is not sitting, be replaced by a person or persons appointed by the President of the General Assembly in consultation with the Secretary-General."

21. Mr. DOZY (Netherlands) said that having explained its attitude on previous occasions his delegation had refrained from speaking in the general debate. It had difficulty in understanding the South African Government's policy on its racial problems whereby the interests of a vast part of the population were determined by considerations of racial origin.

22. In his delegation's view, the problem was unfortunately much more complicated than would appear from the South African draft resolution and the explanations given by the South African representative. Legislation

had to be considered against its social background, and some of the matters enumerated in the South African draft resolution concerned the question of human rights, although they might at the same time have the character of matters of domestic jurisdiction. The signing of the Charter had created certain obligations in the field of human rights, which might amount to less than commitments in positive law but represented something more than a mere tribute to a principle. The Netherlands Government recognized that it could be maintained, as the South African representative had done, that the racial issue was essentially within the domestic jurisdiction of his Government, within the meaning of Article 2, paragraph 7. But it could also be maintained that it was affected by the provisions of Articles 55 and 56. The position of the Netherlands Government on the legal issue was somewhere between those two extreme views. It would be advisable to refer the question to the International Court of Justice in order to elucidate the meaning of the Charter.

23. He would abstain from voting on the South African draft resolution because although he agreed that most, if not all, of the matters enumerated therein normally fell within domestic jurisdiction, he could not overlook the human rights involved in the dispute. His abstention did not, however, mean that he agreed that intervention in the affairs of a sovereign State was permissible merely because the provisions of the Charter relating to human rights were involved. For that reason, his delegation had voted, at the previous session, against the paragraph of the draft resolution calling for the establishment of a commission.

24. The joint draft resolution asked the General Assembly to accept the Commission's report and approve its conclusions; in his opinion, those conclusions exceeded the Commission's terms of reference. It also proposed that the Commission be continued, and its task extended. The issue was however a complicated one in which a world organization must be careful not to exceed its powers; nor should it encroach upon the sovereign rights of States in matters where the legal position was uncertain. The suggestion that the Committee was discussing not a question of a State's internal legislation, but of its policy could hardly be maintained. A government's policy expressed itself through the measures which it took in administering its affairs. To discuss policy was to discuss legislation and administration, and there the Organization was on dangerous ground. Racial discrimination was not the monopoly of South Africa. The Organization's goal was to maintain peace and security and to practice tolerance, and in furtherance of that aim, Member States should not look only at the faults of others.

25. In view of those considerations, his delegation, while unable to support the South African draft resolution, would not vote for the joint draft resolution.

26. Mr. BENITES VINUEZA (Ecuador) noted that the South African representative had misquoted his remarks made at the 36th meeting: neither the Ecuadorian nor the Cuban delegation had said that forced labour existed in South Africa. They had simply stated that there were some delegations which had recognized the Assembly's competence in the question of forced labour but now refused to recognize it in a similar matter. On the other hand, Ecuador had maintained that the South African draft resolution was out of order because it would prevent the Assembly from considering a question placed on the agenda by virtue

of resolution 616 (VII), which recognized the Assembly's competence to deal with it. The South African proposal had been ingeniously drafted so as to identify the item with the various matters listed in the first paragraph of the preamble. In fact, while it was true that those matters were related to the item, they could not be identified with it. Although racial discrimination might be manifested in each of the points enumerated, the latter had a distinct identity apart from the item, which was the race conflict resulting from the Union Government's racial policies. The individual matters mentioned were not in the agenda, and the Assembly therefore could not deal with the question of whether or not they came essentially within a State's domestic jurisdiction. The South African representative had himself conceded that some of them might be the subject of international treaties.

27. The Ecuadorian delegation would vote against the South African draft resolution since the Committee's agenda did not include a discussion on the question as to whether the matters enumerated therein did or did not fall within the domestic jurisdiction of a State. He asked that it might be explicitly recorded that that vote did not signify the expression of any opinion on the question whether or not those matters were essentially within the domestic jurisdiction of a State. He would vote in favour of the joint draft and the Chilean amendment (A/AC.72/L.15).

28. The CHAIRMAN, commenting on the Ecuadorian representative's view that the South African draft was out of order since the previous Assembly had declared itself competent to deal with the item, explained that under rule 82 of the rules of procedure (rule 122 regarding meetings of the Assembly's committee), the Assembly was free to reconsider, at a subsequent session, a resolution which had been adopted or rejected at a previous session. Despite the fact that the Assembly had at the seventh session rejected a South African motion regarding competence, it was procedurally correct to consider its present proposal in order.

29. Mr. BENITES VINUEZA (Ecuador) did not question the Chair's ruling. His contention was that the South African proposal dealt, not with the item on the agenda, but with specific matters which were cognate to that item but not included in it.

30. Mr. TARAZI (Syria) said that South Africa had presented the issue of competence incorrectly in its draft resolution. Admitting that Article 2, paragraph 7, prevented the Assembly from intervening in questions of domestic jurisdiction and that some of the matters enumerated in the South African draft were of that nature, the subject of the debate remained the whole problem of the Union's racial policies affecting the majority of its population. It was furthermore clear from the Commission's report that the problem was of a colonial character. Accordingly, Syria would vote against the proposal on competence, not because it rejected the provisions of Article 2, paragraph 7, but because the proposal had no relevance to the problem under discussion.

31. Mr. HUDICOURT (Haiti) said he would vote against the South African text because it dealt with a question not on the Committee's agenda and was, in effect, a manoeuvre designed to confuse the issue. His opposition must not be regarded as implying any stand on the matters enumerated in the preamble to the draft resolution.

32. Mr. ARDALAN (Iran) said that his delegation's continuing interest in the item had been demonstrated by its having taken part in the submission of the joint draft resolution. The excellent report by the Commission showed that there had been no change in the Union Government's racial policies since the seventh session. Given the great social advances achieved in recent times and the philosophy of the modern age, the doctrine of racial supremacy enforced by South Africa was inadmissible. All nations had a moral obligation to strive for the equality and dignity of all men. Moreover, the situation in South Africa if prolonged—a situation that was characterized by the systematic violation of human rights—might have adverse effects on relations between States and on the maintenance of international peace and security.

33. For those reasons, and because Iran, having regard to the numerous provisions of the Charter concerning human rights and the Assembly's previous recognition of its competence in the question of the treatment of Indians in South Africa, had not the least doubt of the Assembly's competence in the matter under consideration, he would vote against the South African draft resolution. His vote should not be construed as implying an opinion on the question whether or not the specific matters listed in the preamble were essentially within domestic jurisdiction. It indicated only its opposition to the context in which they had been mentioned and to the conclusion South Africa wished to draw from the reference to them. The Commission had dealt with the item before the Committee on the basis of the concrete manifestations of racial discrimination in South Africa. Iran greatly appreciated the Commission's work, and hoped that it would produce more constructive suggestions for a solution and that the Union Government would heed the clamour of world opinion and co-operate with the Commission.

34. Mrs. BOLTON (United States of America) said she would vote against the South African draft resolution on the question of competence. The United States fully realized, however, that the United Nations might become involved in serious difficulties if it failed to bear Article 2, paragraph 7, constantly in mind. Its vote was not a vote against the article. The problem was how to give effect to the article. While it was patently true that policies respecting the matters enumerated in the South African text were domestic matters insofar as aspects of them had not assumed an international complexion, the Assembly was not considering South Africa's legislation respecting them, but rather the whole racial situation in the Union in the light of the provisions on human rights in the Charter. The topics listed called for consideration by the Assembly only by way of illustration in the course of the debate.

35. The United States could not accept the South African representative's interpretation of the term "intervene" in Article 2, paragraph 7, as precluding the Assembly from discussing the item, despite his assurance that he did not insist that all delegations should endorse that interpretation. There would be no point in voting for a proposal which, on a crucial point, would be open to divergent interpretation and therefore ambiguous.

36. Mr. RIBAS (Cuba) said he too would vote against the South African text. His vote should not, however, be construed as a judgment on the list of matters des-

cribed by South Africa as being essentially within domestic jurisdiction.

37. Mr. ESENBEL (Turkey) said that, while Turkey fully subscribed to the provisions of the Charter on human rights, it also recognized the limitation placed on action by the Assembly by Article 2, paragraph 7. So long as the provisions of the Charter on human rights and on domestic jurisdiction had not been reconciled, it was impossible to disentangle those two fundamental principles in connexion with the item before the Committee. Accordingly, Turkey would abstain in the vote on the South African draft resolution and, if it were not adopted, would also abstain in the voting on the joint draft and the amendments thereto. It did not doubt that the matters listed in the preamble to the South African text were essentially matters of domestic jurisdiction, but could not overlook the fact that the agenda item was concerned with human rights.

38. Mr. LUCET (France) said he would vote in favour of the South African draft and, if the joint draft resolution were put to the vote, he would vote against it as a whole. France took the position of principle that the activity of the Commission constituted interference in the domestic affairs of South Africa and that there was no point in continuing it. As the Indian representative had pointed out, there was no point in extending its study to other countries; meanwhile the racial problems of South Africa had been sufficiently studied. No other course of action appeared to be open to the members of the Commission in the forthcoming months but the study of the economic situation. By its own admission (paragraph 909 of the report) the Commission was proposing to continue its work by a detailed study of that situation, which it had no time to undertake, and it had drawn up a concrete programme of economic assistance to submit if such aid should be requested and accepted by the Union Government. The latter, however, asserted that it was satisfied as to the soundness of its economy and not only did not request assistance, but formally rejected it. In the circumstances, the offer made by the Commission appeared to have a rather malicious intent. If there was no such intent, it would have nothing more on its agenda. If it insisted on padding its agenda, it would end by emphasizing even more clearly its unconstitutional nature. The French delegation would abstain in the vote on the Chilean amendment.

39. Mr. NISOT (Belgium) said that he would likewise vote in favour of the South African text because its terms were in conformity with the Charter. He would vote against the joint draft resolution as a whole because it was designed to bring about intervention in essentially domestic matters. Being opposed to the draft resolution as a whole he would have to vote against each of its parts and against the amendments thereto.

40. Mr. FORSYTH (Australia) explained that he would be compelled to vote against the Chilean amendment not because he disapproved of the principles it enunciated, but because, if adopted, it would become part of the joint draft resolution which Australia opposed on the ground that it was unconstitutional. He took special exception to the considerations contained in the latter text which endorsed, in effect, the findings of the Commission.

41. He would, on the other hand, vote in favour of the South African motion on competence. The specific matters it enumerated were admittedly essentially within a State's domestic jurisdiction and were inseparable

from the agenda item, as was shown by the fact that the Commission had dealt with them in detail in its report and could do nothing in future without examining them. Action by the United Nations in those matters would be a breach of Article 2, paragraph 7. Australia would accordingly be bound to vote against the Uruguayan-Chilean amendment insofar as it related to the continuance of the Commission which could have no useful purpose and involved heavy expenditure.

42. Mr. MAURTUA (Peru) emphasized that Article 2, paragraph 7, constituted a guarantee affirming the existence of a reserved field in which certain matters were accepted in international law as coming under national jurisdiction, in contrast with matters falling within the field recognized as subject to international law. Even conceding the argument that some matters gradually developed so as to pass from the realm of purely domestic jurisdiction into that of international jurisdiction, the conflict inherent in that view was resolved by the inclusion of the word "essentially" in Article 2, paragraph 7. Moreover, although the Charter recognized the obligation of Member States to co-operate in taking punitive measures, as, for example, by contributing armed forces for that purpose, the use of those forces had to be the subject of an international treaty and conditional upon constitutional ratification. The logical criterion to be applied was that a question became international in character only when it was governed by an international treaty. That criterion was a sound basis for the development of international law. The conclusion reached at the conference on international law held at Oslo, that delimitation of the field of domestic jurisdiction depended on the international relations of each State, was correct.

43. Nevertheless, Peru, although prepared to recognize the matters specified in the preamble as matters of domestic jurisdiction, would abstain in the vote on the South African text in view of the form in which it had been submitted.

44. Mr. QUIROS (El Salvador) pointed out that his vote against the South African draft should not be interpreted as the expression of an opinion as to whether or not the specific matters listed in the preamble were essentially within a State's domestic jurisdiction. The Committee could not pronounce judgment on questions the substance of which it was not studying. On the other hand, he was convinced of the Assembly's competence to deal with the only item under discussion: the race conflict in South Africa. With regard to the Uruguayan-Chilean amendment, he requested clarification regarding the possibilities of implementing it if the Assembly should close its session thus putting an end to the term of office of its President.

45. Ato Zauze Gabre HEYWOT (Ethiopia) was also convinced of the Assembly's competence to deal with the item; it had assumed that competence by its previous decision. He would therefore vote against the South African motion, which was intended to divert attention from the issue at stake, and would vote in favour of the joint draft resolution.

46. Mr. PEON DEL VALLE (Mexico) associated his delegation with those who had asked that their vote against the South African motion on competence should not be construed as a judgment on the nature of the specific matters listed in the preamble. He asked the Rapporteur to include in the Committee's report to the Assembly the list of delegations which had made that reservation. Mexico would have preferred the

South African text not to be put to the vote; if it were, it would have to vote against it.

47. Mr. LOPEZ (Philippines) agreed with the Iraqi representative's description (39th meeting) of the South African draft resolution as a piece of sophistry. Two logical and honest courses had been open to the South African representative; he could have challenged the Committee's competence to discuss the question of racial segregation in the Union, although that objection had already been answered by the Swedish representative's statement (34th meeting) that the Committee could not declare itself incompetent to discuss an item placed on its agenda by the Assembly. Alternatively, the South African representative could have invited the Committee to declare itself incompetent to adopt or act upon the joint draft resolution; that would at least have placed the issue squarely before the Committee. He had, however, preferred to put forward a proposal which the United States representative had rightly described as ambiguous and incapable of shedding any light on the crucial problem of racial discrimination and racial conflict. The South African representative apparently took pride in his skilfully drafted proposal, believing that it had placed the Committee in a dilemma.

48. The Philippine delegation would vote against the South African draft resolution because it had no direct or logical relevance to the item under discussion. It was pained at the way in which a question of such deep moral significance had been reduced to a matter of linguistic cunning.

49. Mr. JOOSTE (Union of South Africa) repudiated the Philippine representative's extravagant imputation of dishonesty and cunning motives to the South African delegation. His delegation had endeavoured in its motion to explain the relation between the item as it appeared on the Committee's agenda and South African domestic legislation. He had never tried to create confusion or to evade the issue, but merely to show the implications of intervention.

50. The United States representative's statement that he had said that his delegation did not insist on its interpretation of the word "intervene" being accepted by other delegations was not quite accurate. What he had said was that his delegation had given its own interpretation of the word "intervene" and that it adhered to that interpretation; other delegations might have their own interpretations. If, however, the word as used in his draft resolution was ambiguous, it was so only to the extent to which it was ambiguous in the Charter. The word was used as it was in the Charter, and his delegation was seeking a vote on the word in that context.

51. His delegation would vote against the joint draft resolution, and on each part of it if it were submitted to the vote in parts, as well as on any amendment to it, since it invited the Committee by implication to condemn the Union of South Africa and provided for specific acts of intervention in South Africa's internal affairs.

52. Mr. RODRIGUEZ FABREGAT (Uruguay) said that as there had been very little time for members to consider the amendment submitted by his own and the Chilean delegation, the sponsoring delegations would withdraw it, while reserving their right to introduce it later during the discussion in plenary meeting of the draft resolution to which it referred, assuming that that draft resolution was adopted by the Committee.

53. Mr. ORTEGA MASSON (Chile) concurred in that suggestion.

54. The CHAIRMAN invited the Committee to vote on the South African draft resolution (A/AC.72/L.13).

55. Mr. SALAMANCA (Bolivia) asked for a vote paragraph by paragraph.

56. Mr. JOOSTE (Union of South Africa) objected. His delegation's draft resolution was a complete unit. The only question before the Committee was that of competence; to change the character of the draft resolution by deleting or voting out certain paragraphs would be to deny to his delegation the opportunity of putting the question of competence to the test before the Committee, as it was entitled to do under rule 120 of the rules of procedure. If that were done, he would be reluctantly compelled to introduce another motion.

57. Mr. TARAZI (Syria) considered that it would be logical to vote on the South African draft resolution paragraph by paragraph.

58. Mrs. BOLTON (United States of America) thought that in all justice the South African draft resolution should be voted on as a whole.

59. The CHAIRMAN put to the vote the Bolivian proposal that the South African draft resolution be voted on paragraph by paragraph.

That proposal was rejected by 20 votes to 15, with 16 abstentions.

60. The CHAIRMAN put to the vote the South African draft resolution (A/AC.72/L.13).

At the request of the Argentine representative, the vote was taken by roll-call.

Afghanistan, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Australia, Belgium, Colombia, France, Greece, Union of South Africa, United Kingdom of Great Britain and Northern Ireland.

Against: Afghanistan, Bolivia, Brazil, Burma, Byelorussian Soviet Socialist Republic, Chile, China, Costa Rica, Cuba, Czechoslovakia, Denmark, Ecuador, Egypt, El Salvador, Ethiopia, Guatemala, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Israel, Lebanon, Liberia, Mexico, Nicaragua, Norway, Pakistan, Philippines, Poland, Saudi Arabia, Sweden, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United States of America, Uruguay, Yemen, Yugoslavia.

Abstaining: Argentina, Canada, Netherlands, New Zealand, Peru, Turkey, Venezuela.

The draft resolution was rejected by 42 votes to 7, with 7 abstentions.

61. The CHAIRMAN put to the vote the joint draft resolution (A/AC.72/L.14).

62. Mr. JOOSTE (Union of South Africa) asked for a vote paragraph by paragraph.

It was so decided.

The first paragraph of the preamble was adopted by 41 votes to 7, with 7 abstentions.

The second paragraph of the preamble was adopted by 38 votes to 9, with 9 abstentions.

Sub-paragraph (a) of the third paragraph of the preamble was adopted by 40 votes to 8, with 6 abstentions.

Sub-paragraph (b) of the third paragraph of the preamble was adopted by 33 votes to 8, with 14 abstentions.

The fourth paragraph of the preamble was adopted by 40 votes to 8, with 7 abstentions.

The fifth paragraph of the preamble was adopted by 36 votes to 10, with 7 abstentions.

The sixth paragraph of the preamble was adopted by 37 votes to 10, with 8 abstentions.

63. The CHAIRMAN put to the vote the Chilean amendment (A/AC.72/L.15).

That amendment was adopted by 41 votes to 4, with 7 abstentions.

64. The CHAIRMAN put to the vote paragraph 1 of the operative part of the joint draft resolution.

At the request of the Chilean representative, the vote was taken by roll-call.

France, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Guatemala, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Israel, Lebanon, Liberia, Mexico, Nicaragua, Pakistan, Philippines, Poland, Saudi Arabia, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yemen, Yugoslavia, Afghanistan, Argentina, Bolivia, Brazil, Burma, Byelorussian Soviet Socialist Republic, Chile, China, Costa Rica, Cuba, Czechoslovakia, Ecuador, Egypt, El Salvador, Ethiopia.

Against: Greece, Netherlands, New Zealand, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, Australia, Belgium.

Abstaining: France, Norway, Peru, Sweden, Turkey, United States of America, Venezuela, Canada, Colombia, Denmark.

Paragraph 1 of the operative part was adopted by 39 votes to 7, with 10 abstentions.

65. The CHAIRMAN put to the vote paragraph 2 of the operative part of the draft resolution. At the request of the Israeli representative, a vote was taken first on paragraph 2, sub-paragraph (a) (i) reading:

"Requests the Commission

(a) To continue its study of the development of the racial situation in the Union of South Africa

(i) With reference to the various implications of the situation for the populations affected."

At the request of the South African representative the vote was taken by roll-call.

Ecuador, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Ecuador, Egypt, El Salvador, Ethiopia, Guatemala, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Israel, Lebanon, Liberia, Mexico, Nicaragua, Pakistan, Philippines, Poland, Saudi Arabia, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yemen, Yugoslavia, Afghanistan, Bolivia, Brazil, Burma, Byelorussian Soviet Socialist Republic, Chile, Costa Rica, Cuba, Czechoslovakia.

Against: France, Greece, Netherlands, New Zealand, Sweden, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Australia, Belgium, Canada, China, Colombia, Denmark.

Abstaining: Norway, Peru, Turkey, Venezuela, Argentina.

Paragraph 2, sub-paragraph (a) (i), of the operative part was adopted by 37 votes to 41, with 5 abstentions.

66. The CHAIRMAN put to the vote paragraph 2, sub-paragraph (a) (ii). At the request of the Israel representative, a vote was taken first on the words: "In relation to the provisions of the Charter".

Those words were adopted by 36 votes to 11, with 5 abstentions.

67. The CHAIRMAN put to the vote the second part of sub-paragraph (a) (ii), reading: "and in particular to Article 14; and".

At the request of the South African representative, the vote was taken by roll-call.

The Union of South Africa, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Union of Soviet Socialist Republics, Uruguay, Yemen, Yugoslavia, Afghanistan, Bolivia, Burma, Byelorussian Soviet Socialist Republic, Chile, Czechoslovakia, Egypt, Ethiopia, Guatemala, Haiti, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Mexico, Nicaragua, Pakistan, Philippines, Poland, Saudi Arabia, Syria, Thailand, Ukrainian Soviet Socialist Republic.

Against: Union of South Africa, United Kingdom of Great Britain and Northern Ireland, Australia, Belgium, Canada, China, Colombia, Denmark, France, Greece, Israel, Netherlands, New Zealand, Sweden.

Abstaining: United States of America, Venezuela, Argentina, Brazil, Costa Rica, Cuba, Ecuador, El Salvador, Honduras, Iceland, Norway, Peru, Turkey.

The second part of sub-paragraph (a) (ii) was adopted by 29 votes to 14, with 13 abstentions.

68. The CHAIRMAN put to the vote paragraph 2, sub-paragraph (b).

At the request of the South African representative, the vote was taken by roll-call.

Uruguay, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Uruguay, Yemen, Yugoslavia, Afghanistan, Bolivia, Burma, Byelorussian Soviet Socialist Republic, Chile, Costa Rica, Cuba, Czechoslovakia, Ecuador, Egypt, El Salvador, Ethiopia, Guatemala, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Mexico, Nicaragua, Pakistan, Philippines, Poland, Saudi Arabia, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Against: Australia, Belgium, Brazil, Canada, China, Colombia, Denmark, France, Greece, Netherlands, New Zealand, Sweden, Union of South Africa, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Venezuela, Argentina, Israel, Norway, Peru, Turkey, United States of America.

Paragraph 2, sub-paragraph (b), was adopted by 35 votes to 14, with 7 abstentions.

Paragraph 3 of the operative part was adopted by 36 votes to 10, with 7 abstentions.

Paragraph 4 of the operative part was adopted by 37 votes to 11, with 7 abstentions.

69. The CHAIRMAN put to the vote the draft resolution as a whole, as amended.

At the request of the Philippine representative, the vote was taken by roll-call.

Afghanistan, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Afghanistan, Bolivia, Brazil, Burma, Byelorussian Soviet Socialist Republic, Chile, Costa Rica,

Cuba, Czechoslovakia, Ecuador, Egypt, El Salvador, Ethiopia, Guatemala, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Israel, Lebanon, Liberia, Mexico, Nicaragua, Pakistan, Philippines, Poland, Saudi Arabia, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yemen, Yugoslavia.

Against: Australia, Belgium, Canada, Colombia, France, Greece, Netherlands, New Zealand, Union of

South Africa, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Argentina, China, Denmark, Norway, Peru, Sweden, Turkey, United States of America, Venezuela.

The draft resolution as a whole, as amended, was adopted by 37 votes to 10, with 9 abstentions.

The meeting rose at 2.25 p.m.