

The Question of Race Conflict in South Africa

At the request of 13 Arab and Asian states, the question of race conflict in South Africa resulting from the policies of *apartheid* of the Government of the Union of South Africa was placed on the agenda of the seventh session of the General Assembly. Its inclusion was unsuccessfully opposed by the South African Delegate on the grounds that the Assembly, having regard to Article 2 (7) of the Charter, was not competent to intervene in matters within the domestic jurisdiction of a member state.

The original 13 sponsors of the item together with 5 other states submitted a resolution (which was generally called the 18-power resolution), the main purpose of which was to establish a Commission of three members "to study and examine the international aspects and implications of the racial situation in the Union of South Africa in the light of the principles and purposes of the Charter and the resolutions of the United Nations on racial persecution and discrimination, and to report these findings to the General Assembly at its eighth session." The preambular paragraphs stated that a policy of *apartheid* was based on doctrines of racial discrimination which might disturb international co-operation and peace.

The South African Delegation again stated that the United Nations had no competence to consider the matter and introduced a resolution to this effect. The Indian Delegation, which made the most detailed reply to the South African case, contended that a specific request to a member state to bring its actions into line with the objectives of the Charter was not intervention within the meaning of Article 2 (7). The Scandinavian countries and the Netherlands adopted a middle course. Although of the opinion that the Assembly was competent to discuss such a question as race conflict in South Africa, they regarded certain sections of the 18-power resolution as bordering on intervention, and could not wholly support it. They therefore submitted amendments (later incorporated in a separate resolution) which removed specific references to the South African Government, but affirmed that all member states were under the obligation to bring their policies into conformity with their Charter obligations to promote human rights and fundamental freedoms and that government policies not directed towards these goals were inconsistent with the pledges of members under Article 56.

The Canadian position was defined by Mr. Paul Martin, Acting Chairman of the Canadian Delegation, who maintained that the Assembly was competent to discuss the matter but, in so far as other action was concerned, referred to the divergence of views on the question of competence and the lack of an authoritative legal opinion. For these reasons, the Canadian Delegation voted against the South African resolution denying the competence of the United Nations to discuss the issue, abstained on the 18-power resolution setting up the Commission to study and report, and voted in favour of the Scandinavian resolution.

The South African resolution was defeated by a vote of 6 in favour, 45 against and 8 abstentions. In plenary session the 18-power resolution was adopted by 35 in favour 1 against and 23 abstentions